

Sūrah Al-Nisā'

Verses 1 - 2

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ
مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً ۚ وَاتَّقُوا اللَّهَ
الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ ۚ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ﴿١﴾
وَاتُوا أَلْيَتَلُمَىٰ أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْخَبِيثَ بِالطَّيِّبِ وَلَا
تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ ۚ إِنَّهُ كَانَ حُوبًا كَبِيرًا ﴿٢﴾

With the name of Allah, The All-Merciful, the Very-Merciful.

O men, fear your Lord who created you from a single soul, and from it created its match, and spread from the two, many men and women. And fear Allah in whose name you ask each other (for your rights), and surely, Allah is watchful over you. [1] And give the orphans their property, and do not substitute what is bad for what is good, and do not eat up their property alongwith your own. It is, surely, a great sin. [2]

Sequence

The last verse of Sūrah 'Āl-'Imrān was concluded with an exhortation to *Taqwā*, the fear of Allah. The present Sūrah begins with *Taqwā* in the mode of command. The previous Sūrah mentioned some battles, described the manner of treating antagonists, condemned misappropriation in battle spoils and took up several other matters. In the earlier part of the present Sūrah, there are injunctions about rights related to one's own people which must be fulfilled while living and inter-acting with them, such as, the rights of orphans, relatives and wives (known as *Huqūqul-'Ibād*: the rights of the servants of Allah). But, there are some rights which are justiciable, that is, their fulfillment can be enforced through law, like common transactions of buying and selling. The rights involved in lease, tenancy and wages can be

settled through mutual agreements and arbitration; should a party fall short in fulfilling settled rights, these can be legally retrieved and enforced. But, the fulfillment of the rights of those in one's own charge - children, parents, husband and wife, and orphans - and the rights of other relatives which fall on each other - all depend upon civilized behaviour, respect, loving and caring, and above all on that genuinely heart-felt desire to do what is good for them. These are behaviour patterns which cannot be weighed on a scale of things. That they be determined fully and perfectly through mutual agreements is also much too difficult. Therefore, there is just no other method of their fulfillment except having the fear of Allah and the fear of what would happen in the life to come. This is known as *Taqwā* and the truth of the matter is that this power of *Taqwā* is more effective than the combined powers of government and law. Hence, the Sūrah opens with the command of *Taqwā* when it says: يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمْ (O men, fear your Lord).

The word, '*ittaqū*' translated here as 'fear' means 'fear acting against your Lord' which perhaps is the reason why the Holy Prophet صلى الله عليه وسلم used to recite this verse as part of his address while solemnizing a marriage. Therefore, reciting it in the *Khutbah* of *Nikāh* is a perennial revival of the Sunnah. Here, the form of address in the verse is worth attention. It says: يَا أَيُّهَا النَّاسُ (O men) which includes all human beings, men or women, and whether they are present at the time of the revelation of the Qur'an or shall continue to be born right through to the Day of Doom. Then, alongwith the command of '*ittaqū*' (fear) the word used is '*Rabb*' (Lord) which has been selected out of the most fair names of Allah. This is to point out that the fear of Allah so enjoined has a justification and wisdom of its own. The Being totally responsible for man's nurture the manifestations of Whose Lord-worthiness he witnesses every moment of his life, certainly deserves all the awe one is capable of. The very thought that anyone could rise in antagonism and defiance against Allah is terribly dangerous.

Immediately after, the text brings into focus the most exalted majesty of the Lord by saying that He created human beings, all of them, in His wisdom and mercy. Here it was quite possible to create and cause to be present, whatever it was to be, in more than one way.

But, He chose to have one way and one form, a very particular one, when he created all human beings from the one and only human being, that is, Sayyidnā Ādam عليه السلام, and thus it was that He tied all of them in a strong bond of brotherhood. So, it is not only the fear of Allah and the fear of Ākhirah (Hereafter) which demand man's allegiance to the Lord of all creation, but this bond of brotherhood between human beings also requires that rights of humanity - of mutual sympathy, well-being and collective good - be fully discharged. And between man and man, let there be no one high or low in race or caste, in colour or language, and that all such distinctions be never made the criterion of good or bad, nobility or meanness. Therefore, it was said: **الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً** meaning 'who has created you from a single soul (that is, Sayyidnā Ādam عليه السلام who is the father of all human beings), and from it created its match (that is, his wife, Ḥawwā' (Eve), and spread from the two, many men and women (in the world)'.

In short, this verse serves as an introduction to injunctions which are going to appear in this Sūrah. The purpose here is to dissuade human beings from becoming the usurpers of Divine rights, while at the same time, by telling them that they all are the children of the same father, the wonderful humane dimension of love, mutual sympathy and concern was given as the working hypothesis of common living, so that the mutual rights of relatives, orphans and married couples could be fulfilled right from the heart at the very grass-root level.

Towards the end of verse 1, the exhortation to fear Allah has been beamed at man from yet another angle. Isn't it that man demands his rights from others in the name of Allah and exacts what he wants from them? It means that one who expects others to fear Allah should do that himself as well. The last word, *wal-arḥām*, is there to warn that any shortcoming in taking good care of near relations, whether from the side of one's father or mother, should be avoided.

The second verse emphasizes the rights of orphaned children and establishes rules to protect their property.

The commentary which follows takes up the last two aspects of near relations and orphans in some detail.

Commentary

Treating Near Relations Well:

The word, '*al-arḥām*' in verse 1 is the plural of *raḥim*. *Raḥim* is womb. The womb of the mother is the home of the child until born. Since this womb is the source of blood relationship, the act of maintaining relations in that line is called *ṣilatur-raḥim* in Arabic (literally, umbilical link or bond or relationship). The converse of it, that is, showing carelessness and indifference towards natural linkage based on blood relationship is identified as *qat'-al-raḥim* (literally, umbilical delinkage, meaning cutting off relationship with one's kin).

The noble *aḥādīth* have laid great emphasis on bonds of kinship. The Holy Prophet صلى الله عليه وسلم has said:

من أحب أن يبسط له في رزقه وينسأ له في أثره فليصل رحمه

Whoever likes to have his livelihood made plentiful and his age extended for him should maintain good relations with his near of kin. (Mishkāṭ, p. 419)

This *ḥadīth* tells us about two benefits that issue forth from treating near relations well. The merit of the Hereafter vouchsafed, this fair treatment of one's kin has its benefits in this life as well, that is, it removes straightenings from his livelihood and blesses his age with more good years.

Sayyidnā 'Abdullāh ibn Salām رضى الله عنه says: When the Holy Prophet صلى الله عليه وسلم came to Madīnah al-Tayyibah and I presented myself before him, the very first words from him which fell into my ears were:

يا ايها الناس افشوا السلام واطعموا الطعام وصلوا الارحام، وصلوا بالليل والناس ينام، تدخلوا الجنة بسلام

O men, make a practice of greeting each other with *salām*, and feed people (for the pleasure of Allah), and treat near relations well, and pray by night while people sleep - you will enter Paradise in peace. (Mishkāṭ, p. 108)

In another *ḥadīth*, it has been reported that *Ummul-Mu'minīn* (the Mother of the Faithful) Sayyidah Maymūnah رضى الله عنها had freed her bond woman. When she told the Holy Prophet صلى الله عليه وسلم about it, he said:

لواعطيتهأ اخوالك كان اعظم لاجرک

Had you given her to your maternal uncle, your reward would have been greater. (Mishkāṭ, p. 171)

Although, Islam motivates people to free slaves and rates it as one of the finest acts of merit, yet the status of treating relatives fairly has been given more importance. There is another narration on the same subject in which the Holy Prophet صلى الله عليه وسلم has been reported to have said:

الصدقة على المسكين صدقة وهى على ذى الرحم ثنتان صدقة وصله

Charity to the needy is just charity, while to a near relative it becomes two fold: charity and kinship. (Mishkāṭ, p. 171)

Hence, a simple change in the end-use of charity yields two types of merits.

As opposed to this there is the attitude of cold-shouldering or severing of blood relationships. How stern are the warnings given in *ḥadīth* reports against this can be imagined from the following two *aḥādīth*:

The Holy Prophet صلى الله عليه وسلم said:

(١) لا يدخل الجنة قاطعٌ

1. A breaker of (blood) relationships shall not enter Paradise. (Mishkāṭ, p. 419)

(٢) لا تنزل الرحمة على قوم فيه قاطع رحم

2. Mercy shall not descend upon a people among whom there is a breaker of (blood) relationships. (Mishkāṭ, p. 420)

The statement in the last sentence of this verse: إِنَّ اللَّهَ كَانَ عَلَيْكُمْ مَوْجِبًا (and surely, Allah is watchful over you) motivates human hearts to fulfil rights as and when they are due because Divine watchfulness implies awareness of whatever there is in human hearts - intentions, scruples, motives - everything. Doing things half-heartedly, formally, or for fear of possible embarrassment, without any genuine desire to serve, shall remain acts unacceptable to Allah. Incidentally, from here we find out why Allah should be feared - because He is watchful over everyone, always. As pointed out elsewhere too, this is typical of the

usual style of the Holy Qur'ān when it does not introduce laws in sheer cold print like the laws of the governments of this world, but puts them forth in the manner of education, training and affection by not restricting itself to the word of law alone, but by combining it with the grooming of minds and hearts as well.

The Rights of the Orphans and the Protection of Their Property:

The first verse stressed upon the care and concern for kinship in an absolute sense. Then came the general emphasis on the fulfillment of rights that issue forth from it. Now, the second verse carries the command to protect the properties of the orphans, as well as the prohibition of any misappropriation therein because the guardian of an orphaned child is usually one of his relatives. Therefore, this too has a bearing on the fulfillment of the rights of kinship.

The word, '*al-yatāmā*' in the first sentence of verse 2: **وَأَتُوا الْيَتَامَىٰ أَمْوَالَهُمْ** (And give the orphans their property), is the plural of *al-yatīm* (the orphan). Literally, it means the lone or the unique. Therefore, a pearl that resides in its shell all alone is called *Ad-Durr al-Yatīm* (literally, 'the orphan-pearl'). In the terminology of Islamic law, a *yatīm* is a child whose father has died. Incidentally, among animals, a *yatīm* is an offspring whose mother has died (*Qāmūs*). When a child attains maturity, that is, becomes pubert, he is no more referred to as *yatīm* in the terminology of Islamic law as it has been clarified in a *ḥadīth* which says: لا يَتم بعد احتلام that is, 'Orphanhood ends with puberty'. (Mishkāṭ, p. 284)

If orphaned children have property, either gifted to them or received by them through someone's inheritance, then, the responsibility of protecting this property, as well as the orphan himself, falls on the shoulders of the person who is the guardian of the orphan. It does not matter whether the guardian of the orphan was appointed by the father of the orphan himself before his death, or by the government. It is part of the guardian's duty that he should certainly cover all costs incurred on the necessary maintenance of the orphan from what he owns, but he should not give what the orphan owns into his possession before he has reached the age of maturity because he, being an immature minor, may lose it somewhere. So, the statement: 'give

the orphans their property', in this verse, has been clarified a little later in verse 5 where it has been said that the property of the orphans should be given to them after it is certain that they have become mature and do have the ability to distinguish between what is good for them and what is not.

Therefore, the meaning of 'give the orphans their property' in this verse should be taken in the sense of protecting their property so that it could be given to them at its appropriate time. Furthermore, there is a clear hint in this sentence towards the extent to which the guardian of the orphan is responsible for his welfare. It is being said here that his responsibility is not limited to just that he himself refrains from eating up or squandering the property of the orphan, but it is also an integral part of his duties that he should do everything possible to protect, guard and conserve the property in the best of state, capable of being handed over to him when mature.

The second sentence: **وَلَا تَبَدَّلُوا الْخَيْرَ بِالْأَلْطَبِ** prohibits the substitution of bad things for the good ones. There were people who would let the number of things owned by the orphan stay unaltered, but would take something good from there and substitute it with something bad they themselves had. For example, swapping a lean goat for a healthy one, a bad coin for a good one, and things like that. Since, this too is a breach of trust in respect of the property of the orphan, and in the event that someone driven by his naughty self comes up with the excuse that he has not 'taken' what belonged to the orphan, he has rather 'exchanged' it. So, the Holy Qur'an has forbidden it explicitly. Now, this forbiddance not only covers the substitution of one's bad things for the orphan's good things, but it also covers any attempt by the guardian to enter into any deal with some other person which results in a loss for the orphaned child.

The third sentence: **وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ** (and do not eat up their property alongwith your own) obviously aims to forbid the eating up of the orphan's property through impermissible methods whether it is consumed from the jointly-held property of the guardian and the orphan, or that it is held separately and consumed from there. But, the general practice is that the guardian would hold what belongs to the orphan with his own personal holdings, would himself consume

out of there and let the orphan do the same. Since no separate accounting is involved here, even a religiously observing Muslim may fall into thinking that there was no sin in doing so. It was for this particular reason that the prohibition of consuming what belongs to the orphan by pooling it with one's own was mentioned here and warning was given to either keep the property of the orphan absolutely separate and spend from it separately so that there remains no danger of any excess; or should one elect to have a joint-expense system, then, the accounts maintained should be so clear that one can be sure of not having spent anything belonging to the orphan on his own person or in his interest. A detailed explanation of this has already appeared in **وَاللَّهُ يَتَعَلَّمُ الْمُنْفَرِدَ مِنَ الصَّرِيعِ** (2:220) - Section 27 of Sūrah al-Baqarah, Volume 1 of this commentary.

The style of expression here gives a hint that those who misappropriate the property of orphans are generally the people who have properties of their own as well. So, it is by implication that such people have been reproached for stooping down to eat up the property of the orphans unlawfully while they have their own lawful belongings at hand - a shameful act indeed.

It will be noted that verse (2) mentions the prohibition of "eating" the property of the orphan because "eating" is one of the major end-uses of what one possesses. But, in common usage, every act of using up, consuming and exhausting is referred to as "eating up" - whether this be by 'using' or by 'eating'. The expression, "*lā ta'kulū*" (do not eat up) in the Holy Qur'ān carries this very sense of the usage, included in which are all sorts of impermissible uses. Therefore, spending anything from the property of the orphan unlawfully by any means whatsoever is absolutely *ḥarām* (forbidden).

The verse ends with the admonition, **إِنَّ كَانَ حُوبًا كَبِيرًا** (It is, surely, a great sin.) Here, the word '*hūb*', as said by Sayyidnā ibn 'Abbās, comes from the Ethiopian language. It means: 'major sin'. It is used in Arabic for the same meaning. The sense is that any unlawful appropriation or use of the orphan's property, be it because of lack of supervision or substitution of something bad for something good or because of consuming the orphan's assets as mixed up with one's own, is a great sin after all.

The stern warning to those who eat up the property of an orphan appears later towards the end of this section (4:10).

Verse 3

وَأِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ
مِّنَ النِّسَاءِ مَشْنَىٰ وَثَلَاثَ وَرُبْعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً
أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا ﴿٣﴾

And if you fear that you will not do justice to the orphan, then, marry the women you like, in twos, in threes and in fours. But, if you fear that you will not maintain equity, then (keep to) one woman, or a bond-woman you own. It will be closer to your not doing injustice. [3]

Sequence

In the previous verse, guardians were warned against pilferage or misappropriation in the property of orphans. The present verse is an extension of the basic command from another angle. Here they are warned against any attempt to marry orphaned girls under their guardianship hoping to get away by fixing a dower of their choice and claiming their properties as additional benefit.

So, the Holy Qur'ān has very clearly declared that every excuse, device or strategem set up to usurp the property of the orphan is impermissible. It is the duty of the guardians that they should protect the rights of the orphans honestly.

Commentary

Orphaned girls: Violation of their rights and its prevention:

During *Jāhiliyyah* guardians holding orphaned girls under their charge used to pick up the ones who had good looks or owned properties of value and marry them or arranged to have them married to their sons. They would fix the dower of their choice, usually the lowest, and maintained them in whatever manner they elected for they were the very guardians and caretakers for them. Their fathers were not there to take care of their rights who would have certainly given them in marriage to a suitable person after full deliberation on all aspects a daughter faces in married life and would have made sure that they

remain happy and well-covered.

There is a narration in Ṣaḥīḥ al-Bukhārī from Sayyidah 'Ā'ishah رضى الله عنها which reports that an incident of this nature came to pass during the blessed time of the Holy Prophet صلى الله عليه وسلم. There was someone who had an orphaned girl under his guardianship. He had a fruit-farm in which this girl held a share. This man married the orphaned girl and, rather than give her dower and things from his pocket, took her very share in the farm in his possession. Thereupon, the following verse was revealed:

وَأِنْ خِفْتُمْ أَلَّا تَفْسِدُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ

And if you fear that you will not do justice to the orphans,
then marry the women you like...

It means that if you apprehend that after marrying a girl under your guardianship, you cannot do justice to her, then, instead of marrying her, you should marry other women of your choice.

The Marriage of Minors

The word, '*yatāmā*' in this verse means orphaned girls. In the terminology of the Shari'ah, a '*yatīm*' is a boy or girl who has not yet attained the age of puberty. So, this verse proves that the guardian of an orphaned girl does have the right to give her in marriage while she is a minor and has not attained the age of puberty, but on condition that this decision is based on wisdom and the future welfare of the girl. This is to avoid unfair practices common in some communities where a grown up girl is married to a child without any regard for the difference in their ages or without any investigation into the living conditions or character of the boy.

The orphaned girls who have attained the age of puberty are, no doubt, entitled to choose their husbands freely on the basis of their majority. Nevertheless, girls (in traditionally Islamic societies) tend to be modest and shy and usually would not come out strong or freely express their opinions in matters relating to their marriage inspite of being major and having the right to choose. As a result, they are likely to accept what their guardians do for them in good faith. If so, it is the bounden duty of guardians that they too should stay clear from taking any step that may violate the rights of orphaned girls.

In short, this verse lays down the injunction that total vigilance should be observed to make sure that the marital rights of orphaned girls are not violated in any manner whatsoever. However, the responsibility of enforcing this injunction has not been directly placed on the shoulders of the government as is usual with laws promulgated by governments. Instead of that, people themselves have been commanded to fear Allah and do what is right. That is, should they apprehend injustice in marrying orphaned girls, they must cast off the idea and marry elsewhere from a wide range of choices available.

Added to this Divine motivation to abide by prescribed law is the responsibility placed on its enforcing agencies in the government. It is their duty to oversee that there occurs no such violation of rights in the society. If it does, they must use the force of law to ensure that these rights are fulfilled as due.

Polygamy and its currency before Islam

That one man could have more than one wife was something considered permissible in all religions of the world even before the advent of Islām. The custom prevailed in Arabia, India, Iran, Egypt, Babylon and among peoples elsewhere. Its natural validity cannot be denied even to this day. The Europeans of the present age tried to break away from the practice of their predecessors and made multiplicity of marriage impermissible. It resulted in the multiplicity of concubines and girl-friends retained out of wedlock. It was the validity of the natural that there has been a consistent opinion bank in the West (though not so effective) which recognizes the efficacy of plurality of marriage. Davenport, the well-known Christian writer has deduced from the Bible that plurality of wives is not only favourable but is a source of blessing from God. Others such as Father Nixon, John Milton and Isac Taylor have supported this view strongly. Similarly, Vedic teachings permit unlimited number of wives, even in tens and thirties and twenty sevens, at one time. Shri Krishna, a highly respected deity among Hindus, had hundreds of wives.

The truth of the matter is that a religion or law which aims to establish an infra-structure of chastity and modesty and considers the eradication of adultery as necessary has no way out except that it permits plurality of wives. Apart from being a preventive measure

against adultery, it serves as a remedial approach to the problem of comparatively larger female population in some areas as compared to that of men. If such permission was not granted, mistresses and prostitutes will proliferate. This is why nations which do not permit plurality of wives must live in rampant adultery (calling it 'free sex' hardly changes the reality). Even in our own time, if we look at the state of nations in Europe and America, we will see that they look down on what they call polygamy and put a ban on plurality of wives, but they permit a man to practice adultery with as many women as he can get under the cover of 'friendship', (and unlimited are the euphemisms invented to give it other names, such as, 'relationship', 'affair', 'consenting adults', 'union', 'partner' to get around the ban). Saying no to marriage and yes to adultery is certainly very strange!

To be short, we can say that the custom of taking a large number of wives was prevailing before Islam without any imposition of limits. The history of nations and beliefs shows that no religion or law had drawn a line in this matter, neither the Jews and Christians, nor the Hindus and Aryans or the Zoroastrians.

During the early period of Islam, this custom continued without being limited. As a result, people initially took too many wives to satisfy their greed. Later on they could not do justice to all of them and these wives of theirs lived like prisoners bound in the chains of marriage. Under such conditions, the idea of an equitable treatment of wives was practically non-existent. It was all a matter of personal choice or whim which could make the darling of the day a history of tomorrow. The concern for standing rights was a far cry.

It was the Holy Qur'an which stopped this great injustice prevailing in the human society at large. It restricted the plurality or multiplicity of wives by declaring that keeping more than four women under the bond of marriage was forbidden (*ḥarām*). In addition to that, stern warning was given against any contravention of the Divine command which emphatically demanded that equality in fulfilling the rights of women taken into the bond of marriage at the same time must be maintained faithfully. The words of the verse are:

فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَّةَ وَرُبُعَ

The expression *مَا كَانَتْ* : '*mā ṭāba*' in this verse, as explained by Ḥasan al-Baṣrī, Ibn Jubair and Ibn Mālik, may the mercy of Allāh be upon them, means *مَا كَانَتْ* : '*mā ḥalla*', that is, women who are lawful for you.

There are others who, taking the literal meaning of '*mā ṭāba*', have explained it to mean, 'whom you like'. But, there is no contradiction here. It could simply mean, 'women you like out of your natural inclination and that they be lawful for you in terms of the Shari'ah as well.'

On the one hand, permission has been given in this verse that more than one wife can be conjoined in marriage in twos, threes or fours; while, on the other, after having taken the number to four, restriction was placed that more than four women cannot be taken in marriage at one given time.

This particular restriction of the Holy Qur'ān was made much more clear by a ruling given by the Holy Prophet صلى الله عليه وسلم. It has been reported that, soon after the revelation of this verse a person by the name of Ghailān ibn Aslamah al-Thaqafī embraced Islam. At that time, he had ten wives who had also embraced Islam. Pursuant to the Qur'ānic injunction, the Holy Prophet صلى الله عليه وسلم asked him to select and retain four and release the rest by giving them divorce. Ghailān ibn Aslamah al-Thaqafī obeyed the command, retained four women and severed his marital link with the rest (Mishkāṭ, p. 274, with reference to al-Tirmidhī and Ibn Mājah). Citing another incident appearing as a complement of this very narration in the Musnad of Imām Aḥmad will not really be out of place as it also relates to the rights of women.

According to this report, Ghailān ibn Aslamah had retained four women in accordance with the rule of Shari'ah, but during the Caliphate of Sayyidnā 'Umar, رضى الله عنه he divorced them as well and distributed all his assets among his sons. When Sayyidnā 'Umar found this out, he summoned him and said: "You have done this to deprive these women from your inheritance which is a gross injustice. So, revoke the divorce you have given to them right now and take your assets back from your sons, and if you do not do this, then, beware of a severe punishment."

Qais ibn al-Harith al-Asadī رضى الله عنه says: 'When I embraced Islam,

I had eight wives. I mentioned this to the Holy Prophet صلى الله عليه وسلم. He said: "Keep four of them and divorce the rest." (Abū Dawūd, p. 304)

According to a report in Musnad al-Imām al-Shāfi'ī, when Sayyidna Nawfal ibn Mu'āwiyah ad-Daylamī رضى الله عنه embraced Islam, he had five women in his *nikāh*. The Holy Prophet صلى الله عليه وسلم asked him too to divorce one woman. This incident appears in Mishkāṭ as well (p. 274) with reference to Sharḥ al-Sunnah. In short, the blessed practice of the Holy Prophet صلى الله عليه وسلم and his noble Companions very clearly illustrates the meaning of this verse, that is, conjoining more than four women in the bond of marriage is *ḥarām* (forbidden).

The Noble Wives of the Holy Prophet صلى الله عليه وسلم

The class of his person and the excellences of his virtues make the Holy Prophet صلى الله عليه وسلم mercy and blessing personified. The main purpose of his life in this mortal world was to spread the call of Islam, purify people and teach the Qur'ān. He, by his word and deed, made the teachings of Islam radiate all over the world. His unique style shows that he practiced what he taught. As such, there is no department of human life which can claim not to need the guidance of a prophet. So, right from the establishment of congregational prayer to maintaining good relations with wives, upbringing of children, even to the purificatory aspects of the human call of nature, there exists a roster of verbal and practical instructions left by him in the books of *Hadīth*. They tell us in great details the things he did inside the walls of his home, how he related to his wives and how he answered questions posed by women who visited his home for this purpose. Such questions can be counted in hundreds, questions that highlight the intermediacy of his blessed wives through whom the Muslim *ummah* received necessary guidance. Any other setting for this purpose would have been hard to bring about. So, this crucial religious need, the need for education, teaching and propagation made it all the more imperative that the Holy Prophet صلى الله عليه وسلم marry the wives he did. Think of Sayyidah 'Ā'ishah رضى الله عنها. There are some two thousand and ten narrations reported from her. They cover a wide range of subjects which includes the explanation of the injunctions of the Holy Qur'ān, religious questions and their answers, morals and manners and the *Sīrah* of the Prophet of Islam. The narrations reported from Sayyidah

Umm Salmah رضى الله عنها reach upto three hundred and seventy eight. All these are readily available in books of *Hadīth*. In A'l-mul-Muwaqqi'īn (v.1, p.9), Hāfiẓ Ibn al-Qaiyyim has said: If the *fatāwā* (religious rulings) of Sayyidah Umm Salmah رضى الله عنها which she gave after the demise of the Holy Prophet صلى الله عليه وسلم were to be collected it could become a treatise on its own.

The high rank Sayyidah 'Ā'ishah رضى الله عنها has in the narration and knowledge of *Hadīth* and in jurisprudence and rulings is far too well-known to repeat here. Her disciples alone come to around two hundred. She was the beacon light of religious knowledge for an uninterrupted period of forty eight long years after the demise of the Holy Prophet صلى الله عليه وسلم and was highly effective in carrying his mission forward.

These brief remarks about two blessed wives of the Holy Prophet صلى الله عليه وسلم have been given here just to serve as an example, otherwise there are many more *ḥadīth* narrations originating from others as well. Obviously, the benefits of such religious teaching and preaching came through the good offices of these sacred ladies.

That the Prophet of Islam had the most exalted of objectives in sight, that he came in the golden line of great prophets, and that, as such, he saw the whole world as a unit and thought about correcting all human relationships individually, collectively and in families and in nations are spiritual ideals the modern man, the desire-driven robot of today, is simply incapable of conceptualizing. The most a he or she can do is to think of everybody else on his or her own personal analogy. This chronic malady in the intellectual makeup of the atheists and orientalists of West has taken them to feeling comfortable in perversity, the end-product of which is their mal-assessment of the otherwise unchallengeable character of the Holy Prophet صلى الله عليه وسلم. According to their limits of 'civilized' thinking, his many marriages were simply an expression of his sexual desires (God forbid). To say the least, it can be said that anyone sane and just can never interpret his marriages to have issued forth from that source only if he were to even glance at his life and character.

Right before the eyes of the Quraysh tribe of Makkah, he led a blame-free life in a way that he, when twenty five, married an aged

widow with children (whose two earlier husbands had died) and went on living with her for the next twenty five years. It was also during this period that he used to leave home, sometimes for as long as a month, and stay in seclusion at the Cave of Ḥirā devoting his time to the remembrance of his Lord. All his marriages came after his blessed age was beyond fifty. The first fifty years of his life, specially his younger years and his youth, were all too visible to the people of Makkah. Nobody, not even an enemy, ever found an occasion to point an accusing finger at him about anything that could put his pristine piety and purity in doubt. His enemies tried whatever arrows they had in their quiver. They accused him of being a magician, a sorcerer, a poet, madman, liar, fabricator. But, they never dared say anything, not one word, about his innocent life, about whatever could refer to any crookedness of extra-marital sex or passion.

Under these conditions, would it not be worth exploring as to why someone who had spent fifty years of his life in such righteousness and piety and in such peaceful abstinence from the good things of life, would be compelled to marry more than once? What was the urge? Anyone with the least fund of justice in him would not see any other reason behind this plurality of such marriages as being stated here. Now, let us go a little farther. Let us look at the very reality of these marriages as to how they came to pass.

From age twenty five to the blessed age of fifty, Sayyidah Khadījah رضي الله عنها lived with him as the only wife. When she died, the marriage with Sayyidah Saudah and Sayyidah 'Ā'ishah رضي الله عنها was solemnized. But, it was Sayyidah Saudah who came to live with him while Sayyidah 'Ā'ishah رضي الله عنها continued to live with her father in view of her minority. It was after some years (in year 2 of the Hijrah) that Sayyidah 'Ā'ishah came to live with him at Madīnah Munawwarah. This is the time when he was in his fifty fourth year. At this age he had two wives. What is known as plurality of marriages starts from this point. After one year, his marriage with Sayyidah Ḥafṣah took place. After some months, Sayyidah Zainab bint Khuzaymah رضي الله عنها came into his *nikāḥ* but died only eighteen months later. According to one report she lived only three months as his wife. Then, he was married to Sayyidah Umm Salmah رضي الله عنه in 4 A.H. and to Sayyidah

Zainab bint Jahsh رضى الله عنها in 5 A.H. This is the time when he was fifty eight. At this fairly advanced age, he had four wives, although he could have had four wives immediately after the Qur'ānic permission given to Muslims that they could, if need be, keep four wives. But, he never did this. Later, he married Sayyidah Juwayriyyah رضى الله عنها in 6 A.H., Sayyidah Umm Ḥabībah رضى الله عنها in 7 A.H., Sayyidah Ṣafiyyah رضى الله عنها in 7 A.H. and Sayyidah Maymūnah رضى الله عنها later on in the same year.

To sum up, we see that he lived with only one wife upto the age of fifty four years. In other words, he lived for twenty five years with Sayyidah Khadījah and four to five years with Sayyidah Saudah. After that, when he was fifty eight, he had four wives, the rest of the blessed wives came to live with him within a period of 2-3 years.

It is worth mentioning here that, out of all the wives he had, there was only one who was married to him as a virgin, that is, the Mother of the Faithful, Sayyidah 'Ā'ishah al-Ṣiddīqah رضى الله عنها. Other than her, all wives, may Allah sanctify their honour, were widows (with the exception of lady Zainab bint Jahsh) - some of them were the ones who were already married twice and their husbands had died. This plurality, incidentally, came to pass in his later years.

Let us not forget that his noble Companions, both men and women who had seen him in the state of Islam, loved him dearly. They would have laid down their lives at his command. If he was so inclined to do, he would have married none but virgin wives. In fact, there was nothing to stop him from keeping a wife for one or two months and then take new ones in their place. But, he never did this.

There is yet another fact which needs to be mentioned here. Our master, Sayyidnā Muḥammad al-Muṣṭafā صلى الله عليه وسلم was a true prophet of Allah and a prophet is no man of the mundane. He never follows his desires. What he does, he does with the leave and will of Allah. Once his prophethood is accepted, all objections stand eliminated. But, should there be one who not only refuses to accept a prophet as a prophet but goes a step farther and accuses that he allowed himself to take many wives to seek sexual gratification, then, such a person will be told: If this was so, why would the noble prophet proclaim the restriction against himself in matters relating to

plurality of marriages, something which finds mention in the verse لا يحل لك النساء من بعد (It is not lawful for you to take (more) wives after this - 33:52). That he proclaimed this restriction against his own self, openly and conclusively proved that whatever he did, he did with the leave and will of his Lord. As pointed out earlier, the educational benefits because of this plurality of marriages that reached the Muslim community, as well as the very injunctions of Islam, are really so many and so detailed that they can just not be taken up here even at their briefest. Those who study books of *Aḥādīth* would realize the truth of this statement. However, we do present here brief notes to serve as indicators.

The Holy Prophet صلى الله عليه وسلم had married Sayyidah Umm Salmah رضي الله عنها after her husband, Sayyidnā Abū Salmah had died. When she came to live with him in his house alongwith her children from her previous husband, the Holy Prophet صلى الله عليه وسلم took care of her children and brought them up with love and concern. Thus he demonstrated through his conduct the way of loving and caring one must follow when bringing up step children. Of his blessed wives, she was the only one who came with her children. If none of his wives was like her, this aspect of the upbringing of step children would have remained practically undemonstrated and the vast community of Muslims would have remained deprived of any guidance in this matter. Her son, 'Umar ibn Abī Salmah رضي الله عنه says: I was brought up in the lap of the Messenger of Allah صلى الله عليه وسلم. Once, while eating with him, I was dunking my hand everywhere in the bowl. He said: سم الله وكل بيمينك وكل مما يليك (Say the name of Allah and eat with your right hand and eat from what is in front of you) - (Bukhārī, Muslim, from Mishkāt, p. 363).

Sayyidah Juwayriyyah رضي الله عنها came as a prisoner of *Jihād*. Like other prisoners, she too became one of the distributed and found herself in the share of Thābit ibn Qays or his cousin. But, she succeeded in making a deal with her master. The deal was that she would give him a certain amount of money against which he will release her. After making this arrangement, she came to the Holy Prophet صلى الله عليه وسلم and sought financial assistance from him. He said: 'Shall I not tell you something much better than this? That I pay

on your behalf and marry you?' She agreed with pleasure. Thereupon, he paid the amount due on her behalf and married her. This resulted in something unusually benign. Hundreds of Sayyidah Juwayriyyah's people had by that time passed into the ownership of the noble Companions because all of them had come as prisoners. When the Companions found out that the Holy Prophet صلى الله عليه وسلم had married her, all of them released their respective slaves out of deference to the Holy Prophet صلى الله عليه وسلم. Just imagine how elegant the propriety of their behaviour was, how genuine, how sublime. It was in view of their emotional realization that all these people have now become connected with the family of the Holy Prophet صلى الله عليه وسلم in bonds of inlawship, that they simply could not have the audacity to keep them as slaves. So, they set all of them free. Sayyidah 'Ā'ishah رضى الله عنها says about this incident:

فلقد اعتق بتزويجه أياها مائة أهل بيت من بنى المصطلق فما اعلم امرأة
اعظم بركة على قومها منها

Because of his marriage with Juwayriyah, one hundred families from Banū al-Mustaliq became free. I know no other woman who proved to be greater in blessing for her people.

Sayyidah Umm Ḥabībah رضى الله عنها had become a Muslim in Makkah during the early days of Islam alongwith her husband. Later on, both husband and wife migrated to Ethiopia as members of a caravan of several men and women. After reaching there, her husband became a Christian and it so happened that a few days later, he died. The Holy Prophet ﷺ proposed to her through the good offices of Najāshī (Negus, Emperor of Ethiopia) which she accepted and it was in Ethiopia that the same Najāshī gave her in marriage to the Holy Prophet صلى الله عليه وسلم. It is interesting to note that Sayyidah Umm Ḥabībah رضى الله عنها was the daughter of Sayyidnā Abū Sufyān رضى الله عنه. He was, at that time, the leader of the group which regarded hostility to Islam as its main objective in life. They were always on the look-out for excuses to hurt Muslims and torture the Prophet of God. If they ever got the chance they would have not hesitated for a moment to eliminate him once and for all. When he found out about this marriage, he uttered the following words involuntarily: هو الفحل لا يجدر انفه literally: 'He is a man of valour. His nose cannot be cut off'. The sense

was that the Holy Prophet ﷺ is a man of honour. It is not easy to disgrace him. Here we are doing our best to disgrace him and there we see, right under our noses, that our daughter has become his wife.'

In short, this marriage proved to be a weapon of psychological warfare. The ambitions of the leader of the *kāfirs* against Muslims were watered down. That this marriage brought in its wake political gain for Islam and Muslims can hardly be denied in terms of the importance and need for it. This gain is certainly something God's far-sighted and wise Messenger had, in all likelihood, in sight.

Apart from the present summary view, those who have deeper access to the *Sīrah* would find many more elements of wisdom in his plurality of marriages. The treatise entitled, *Kathratul-Azwāj-li-Ṣāhibil-Mi'rāj* by my venerated master, Maulānā Ashraf 'Alī Thānavī, is useful.

The details we have provided here are there to remove the golden trap laid out by atheists and orientalists. Though unfortunate, yet the truth is that this trap sucks in a lot of educated but ignorant Muslims. They go into the spider's web and do not return because they do not know the *sīrah* of the noble prophet and the history of Islam directly from their authentic sources. Their knowledge of everything Islamic comes from (anti-Islam) books written by the so-called orientalists.

Only one wife where injustice is likely

Let us now see what the Qur'an says after allowing upto four wives. It says:

فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ

But, if you fear that you will not maintain equity, then, (keep to) one woman, or a bondwoman you own - 4:3.

From here we find out that having more than one wife is permissible and appropriate only on condition that equality can be maintained among all wives as required under the Shari'ah of Islam, and that the rights of all can be duly fulfilled. If one does not have the capability to discharge his obligations in this manner, the rule is to keep to only one wife. As stated earlier, the injustice of multiple marriages during *Jāhiliyyah* without any considerations of rights of wives had made a mockery of this field of human relationship. So, the

Qur'ānic command was: If you are unable to do perfect justice between wives, then restrict yourself to no more than one, or make do with a bondwoman you may own. At this point, please keep in mind that the Qur'ānic expression **مَا مَلَكَتْ أَيْمَانُكُمْ** which means 'a bondwoman one may have', has very special conditions under which such possession becomes possible, conditions which generally do not just exist these days. Therefore, the act of starting to live with someone out of wedlock, just by declaring that she was a 'bondwoman' owned by the person involved, as something allowed by the Shari'ah of Islam, is *non sequitor* and patently *ḥarām* (unlawful). Any more details about it would simply be out of place here.

The outcome (to be seen as a whole) is that the Qur'ān has permitted having four wives in marriage which means that marriages entered into within this limit will be correct and permissible. But, under such a contingency, that of having more than one wife, it will be obligatory (*wājib*) to maintain justice and equality between them. Doing otherwise is a grave sin. So, anyone who thinks of having more than one wife should first think about all those factors and conditions around him and, more importantly, look into himself, introspect, weigh, deliberate and figure out realistically whether or not he has the ability, or the capability or quality to treat all of them equally and justly without causing the least infringement of their rights. If strong likelihood exists that one will not be able to come up to the standard and most probably will fail to maintain such justice and equality, then, having the audacity to go ahead and step into the bonds of more than one marriage is really a thoughtless plunge into a grave sin. One must stay away from doing something like this and, human condition being what it is, living with only one wife should be considered quite sufficient.

Speaking legally, if a person marries more than four women in a single offer and acceptance, the marriage shall be void *ab initio* because nobody has the right to have more than four wives. As far as marriages within the limit of four are concerned, they shall be deemed as valid marriages all right, but any shortcoming in treating wives equally and justly will be an act of grave sin. In addition to that, any infringement of a wife's rights can be challenged in an Islamic Court and the aggrieved wife can receive redress from there.

The Holy Prophet صلى الله عليه وسلم has laid great emphasis on maintaining full equality and justice between all wives and he has given stern warnings against those who do otherwise. Above all, he has demonstrated the desirable ideal through his own conduct, reaching the outer limits of treating his wives equally even in matters in which equality is not mandatory.

In a *ḥadīth*, the Holy Prophet صلى الله عليه وسلم has said: 'Anyone who has two wives and he cannot fulfill their rights equally and justly, shall be raised on the Day of Doom in a condition that one of his shoulders will be drooping down.' (Mishkāt, p. 278)

We should, however, keep in mind that this equality of treatment is necessary in things which are within the control of man. For example, the coverage of personal expenses and parity in overnight stays. As for things out of man's control, such as the natural inclination of his heart which might tilt towards one of them, there is no accountability there for this is not a matter of choice. However, the binding condition is that this tilt should not affect matters which are within man's control. Our noble prophet, may Allah bless him for ever and ever, treated his venerated wives with full equality in everything within his control, yet he pleaded with his Lord:

اللَّهُمَّ هَذَا قِسْمِي فِيمَا أَمْلِكُ فَلَا تَلْمَنِي فِيمَا تَمْلِكُ وَلَا أَمْلِكُ

O Allah, this is my 'equalization' in what I control. So, do not hold me accountable in matters You control and I do not.

Obviously, something even an infallable Messenger of God is not able to do, how can someone else claim to have the ability to do it? Therefore, in another verse of the Holy Qur'ān, this 'matter out of man's control' has been mentioned in the following words:

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ

And you shall be unable to maintain perfect equality between the women - 4:129.

Here, it has been made clear that love and the tilt of the heart are something out of man's control. It is beyond man's power to achieve perfect equality of treatment in what comes from the territory of the heart. But, even this involuntary conduct has not been left totally

unchecked and unbalanced. In order to correct it, it was said: **لَا تَقِيلُوا كُلَّ الْاُنْثَى** (So, do not tilt, the full tilt). It means: If you love one of your wives more than the other, there is nothing you can do about it. But, total indifference and heedlessness towards the other wife is not permissible even under this situation. The justice and equality mentioned in the sentence **فَإِنْ خِفْتُمْ اَلَّا تَعْدِلُوْا فَوَاحِدَةً** (If you fear that you will not maintain equity, then {keep to} one woman) refers to the same justice in matters of choice and volition, any discrepancy in which is a great sin. So much so, that a person who sees the danger of his getting involved with this sin has been instructed not to marry more than one woman.

A doubt and its answer

Because some people have lost sight of details given above, they have fallen into a strange error. When they compare the verse under discussion, 4:3, and the verse quoted just a little earlier, 4:129, they are confused. They think: Here is this verse from Sūrah al-Nisā' which carries the command: 'If you fear that you will not maintain equity, then (keep to) one woman. Then, there is this second verse which says categorically that justice and equality (among wives) is just not possible. As a result, they doubt, having more than one wife should not be permissible. But, such people should ask themselves: If, through these verses, Allah Almighty aimed at putting a cap over more than one marriage, what need was there to go into all these details? Why would the Qur'an say: **فَاَنْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنً وَّ ثَلَاثَ وَرُبْعَ** that is, 'marry women you like, in twos and threes and fours?' And then, what would be the meaning of saying: **فَإِنْ خِفْتُمْ اَلَّا تَعْدِلُوْا** that is, 'if you fear that you will not do justice' - for, in this situation, injustice is certain. How can we then explain the element of fear which would become meaningless?

In addition to this, the words and deeds of the Holy Prophet ﷺ and the noble Companions **رضى الله عنهم اجمعين** and their consistent practice prove the fact that having more than one wife (upto four) was never prevented in Islam. The truth of the matter is what has been stated earlier, that is, the first verse of Sūrah al-Nisā' talks about justice and equality in what man can do by choice while the second verse points out to man's inability to control lack of equal treatment when it comes to love and emotional inclination. Therefore, these two verses have no contradiction, nor does it prove that plurality of marriages is abso-

lutely forbidden.

Towards the end of the verse, it was said: **ذَلِكَ أَكُنَىٰ آلَا تَعْمُرُونَ** (It will be closer to your not doing injustice). In this verse, the word **أَكُنَىٰ** ('adnā') has been derived from **دُنُوٌّ** (*dunuwun*) which means nearness and the other word **لَا تَعْمُرُونَ** (*lā ta'ulū*) is from **مَالَ يَمِيلُ**, **مَالَ يَمِيلُ** which means inclination or tilt. Here it has been used in the sense of impermissible inclination culminating in injustice and wrong-doing.

It means 'what you have been told in this verse (that is, in absence of being unable to do justice, having only one wife or making do with one's bondwoman) is something which, if you elect to follow it, will help you in staying safe from doing any injustice and the chances of any additional oppression and transgression will be eliminated.

There is a doubt here: When a man has one wife, there will be just no chance of injustice. Why then, it was said, by adding the word, 'adnā' that 'it will be closer to your not doing injustice', instead, the statement should have been something to the effect that it will make you totally safe from this injustice.

The answer is: The addition of the word, 'adnā (closer) in the text is there to point out to all those people who would not hesitate in inflicting all sorts of injustices on even one wife. So, to block this source of injustice, the absence of more than one wife is not enough. In this situation, however, the likelihood does exist that the danger of injustice will decrease and you will come closer to justice. But, the complete deliverance from injustice and oppression will only be possible when the rights of one wife are totally and fully given and she is treated fairly and generously, forgiving her shortcomings and being patient with her crooked ways.

Verse 4

وَاتُوا النِّسَاءَ صَدُقَتِهِنَّ نِحْلَةً فَإِنْ طِبَّنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ
نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيًّا ﴿٤﴾

And give the women their dower in good cheer. Then, if they give up some of it out of their own sweet will, you may have it to your advantage and pleasure. [4]

In the previous verse, the objective was to remove the injustice

done to women through the multiplicity of marriages. This verse takes up a particular right of women and aims to remove the injustice practiced in this matter. This is the right of *mahr* (dower).

Commentary

In pre-Islam Arabia, injustices in the payment of dower took many forms:

1. To begin with, the dower which was the right of the girl being given in marriage, was not given to her. Instead, the dower was taken by the guardians of the girl directly from the husband - rank injustice indeed. To get rid of this practice, the Holy Qur'an said: **وَأْتُوا النِّسَاءَ بِدُورِهِنَّ** (and give the women their dower). This command is addressed to the husbands so that they themselves give their wives their dowers and not give these to others. Also addressed here are the guardians of the girls with the instruction that they should, in case they happen to receive the dower meant for the girls, give it straight to the girls and make sure that they themselves do nothing to put the money in personal use without the permission of the girls.

2. Another injustice related to the attitude of the giver of the dower. If someone had to pay it and realised that there was no way out, he would be very sour and unhappy and do it unwillingly as if he was paying a penalty. This injustice was removed through the use of the word, **رِجْلَةً** : *niḥlah*, since *niḥlah* in Arabic usage means 'giving something cheerfully'.

So, the verse here teaches that the dower of women is their right which must be fulfilled as a matter of obligation. Since, as a rule, all obligatory rights must be discharged cheerfully, so it should be in the case of dower, that is, 'give in good cheer'.

3. Yet another injustice regarding the payment of dower was that many husbands, taking advantage of the powerlessness of the wife, would use pressure and make them forgo and forgive their dower. This act of theirs hardly brought forth real forgiving of the standing right, but they, on their part, went about free of the concern for dower which, according to their thinking, was 'forgiven'.

To eradicate this injustice, it was said in the verse: **فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوْهُ هَذَا**. It means: 'if these women give up some of it out of their

own sweet will, you may have it to your advantage and pleasure.'

The point is that exacting forgiveness by pressure or compulsion from an unwilling wife is an exercise in futility. Nothing gets forgiven in this manner. But, should it be that they themselves elect, out of their free choice and will, in its most genuine sense, to forgo or forgive a part of the dower, or return it to you after they had already taken it, then, this is permissible for the husbands, and correct as well.

Surely, these injustices which the Holy Qur'ān aims to remove in this verse prevailed at peak during *Jāhiliyyah*. But, very regrettably, some of these practices of pre-Islam days still survive among Muslims. There are tribes and geographical areas where one or the other such injustice is not difficult to find. All Muslims must stay away from being a party to such injustices.

The restriction of "out of their own sweet will" placed in this verse, has a secret of its own. The truth of the matter is that, according to the standard rule of Islamic Shari'ah, even the smallest portion of what belongs to someone is not lawful for someone else unless permitted gladly. The standard rule was set by the Holy Prophet صلى الله عليه وسلم when he said:

أَلَا لَا تَظْلِمُوا، أَلَا لَا يَحِلُّ مَالُ امْرِءٍ إِلَّا بِطَيْبِ نَفْسٍ مِنْهُ (مشكوة شريف ص ٢٥٥)

Beware, do no injustice. Remember, a person's property is not lawful (for the other) unless it be through his sweet will.

(Mishkat, p. 255)

This is a great principle from which many details issue forth.

Even in our own times, there are women who very much doubt that they are going to get their dower. They think asking for it is not going to please anybody, nor the refusal to forgive will make anyone any happier. So, like it or not, they just forget and forgo. This kind of forgiveness is not trustworthy. My respected teacher, Maulānā Ashraf 'Alī Thānavī used to say that the real touchstone of forgiving gladly is to first hand over the amount of the dower in the hands of the wife, as its owner, who may later give it to the husband out of her own sweet will without any pressure. This attitude of giving gladly should also be practiced as the operating principle in the inheritance of sisters and wives. It is not too uncommon that, following the death of the mother

or father, sons take over the whole property and do not give the girls their share. If the usurpers were bothered by moral or religious considerations in some degree, the most they would do is to go and excuse themselves before their sisters. Since they know that they are not going to get their share under this situation anyway, they simply go along and forgive against their will. In addition to this, the share belonging to the surviving wife is not given to her after the death of the father. Particularly, a step mother just does not get hers. All this amounts to open usurping of rights. The only exception is that, should anyone forgive gladly, that forgiveness is possible, and valid.

Ḥadrat Thānavī also pointed out that the text is talking about the willingness of the whole human self and not simply the happiness of the heart which alone is not enough to make someone's property lawful for the other. People who give money in bribes, or interest, do so after a good deal of calculations, and many apparent gains, but this is not giving gladly, and not trustworthy either. If such people were to probe their conscience and come out with the truth, the truth would be that their self would flatly refuse to agree to such giving. This is why good cheer and sweet will have been given the deciding role.

If donations are sought for mosques, religious schools or for any other need, there too it is necessary to see that the giver is doing it freely and gladly. If a donation is given under pressure from anyone having tribal, social or legal authority or influence, without the free choice and will and pleasure of the giver, then, it is not lawful to accept and use this donation. Instead, it would be returned to the giver.

As for the word صَدَقَاتٍ : *ṣaduqāt* appearing in the verse, it is the plural form of *ṣaduqah*. The words, *ṣaduqah* and *ṣudāq* signify the dower of women. In Mirqāt Sharḥ Mishkāt, Mullā 'Alī Qārī writes: وَصِيْرٌ . It means that dower is referred to as *ṣaduqah* or *ṣudāq* because its root, *ṣadaqa* (صدق) signifies truth. Since dower too shows the true attitude of the husband towards his wife, the congruity was good enough to let dower be called *ṣudāq* or *ṣaduqah*.

The words, هَنِيْئًا : *hanīʾan* and مَرِيْئًا : *marīʾan* appearing at the end of the verse are attributive modifiers. The word, *hanīʾān* (from *han'ā* and *hanū'a* and *hanīʾā*) means something received without having to go

through labour and pain. When this refers to food, it means good food which is eaten and digested easily and becomes a healthy part of the human body.

The word, *mar'ān* (from *mara'a*: to be wholesome) is also used in the same sense and is very close to each other. For this reason, some translators have made one word, in the sense of 'wholesome', stand for both.

Verses 5 - 6

وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَمًا
وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا ﴿٥﴾
وَابْتَلُوا الَّتِي حَتَّى إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ
رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ
يَكْبُرُوا ۚ وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ ۖ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ
بِالْمَعْرُوفِ ۚ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ
وَكَفَىٰ بِاللَّهِ حَسِيبًا ﴿٦﴾

And do not give the feeble-minded your property which Allah has made a means of support for you, and do feed them out of it, and clothe them, and speak to them in fair words as due. [5]

And test the orphans until they reach a marriageable age then, if you perceive in them proper understanding, hand over to them their property. And do not consume it extravagantly and hastily lest they should grow up. And whoever is rich he should abstain and whoever is poor he should consume in fairness. So, when you hand over to them their property, have witnesses upon them. And Allah is sufficient for reckoning. [6]

Sequence

The injunction to give orphans their property, and the women, their dower, has appeared in previous verses. This may lead one to think that the property of the orphans and women should under all

conditions, be given to them, even if they cannot handle relevant transactions and are incapable of protecting their property interests. To remove this misunderstanding, it has been said in these verses that properties should not be handed over to the feeble-minded. Instead, they should be watched and tested to determine the age and time when they exhibit the ability to protect their property and the discernment of spending out of it, it is then that their property should be handed over to them.

Commentary

Do protect what you own

These verses affirm the role of property in man's economic effort which gives him the desire to protect it. Then, at the same time, the general weakness shown in the protection of properties has been corrected. There are people who, giving in to natural love, hand over properties to inexperienced minor children and ill-informed women which usually results in the wastage of the property and the quick poverty which follows in its wake.

Do not hand over properties to the feeble-minded

The most revered exegete of the Holy Qur'an, Sayyidnā 'Abdullāh ibn 'Abbās رضي الله عنه says: 'The guidance the Holy Qur'an gives in this verse is: Do not, by handing over all your property to feeble-minded children and women, become dependent on them. Since Allah Almighty has made you the guardian and the manager, you should, rather, hold the property in your safe custody and keep spending from it as necessary in order to feed and clothe them. And should they, even then, demand to take possession of the property, explain to them honestly, fairly and reasonably in a way which neither breaks their heart nor causes the property to be wasted. For instance, say something like: 'All this is there for you. Just grow up a little more and you will have it all.'

Based on this *tafsīr* of Sayyidnā 'Abdullāh ibn 'Abbās رضي الله عنه, the sense of the verse covers all women, children and others who are feeble-minded and inexperienced, to whom it is dangerous to hand over properties since it may result in their loss, irrespective of the fact that they may be one's own children, or orphans, or the fact be that the property may belong to such children and orphans themselves, or to

the guardians. The same *tafsīr* has been reported from Sayyidnā Abū Mūsā al-Ash'arī رضى الله عنه and the renowned *mufasssīr*, al-Ṭabarī has also adopted the same view.

The context of the earlier and later verses may, though, lead one to particularize this injunction too with orphaned children, yet, the generality of words remains there as such and which includes all children, orphans and non-orphans. And perhaps, the form of address in '*amwālukum*' (your properties) may have the special wisdom that it is inclusive of the properties of the guardians as well as that of the orphans. The suggestion is that the properties of the orphans, until such time that they become mature and discerning, remain under the guardian's safe custody and responsibility as if these properties, so to say, were like their own. It will be recalled that the fact of the matter - that the properties of the orphans have to be given only to them - has been made very clear in verse 2 : *وَأَتُوا الْيَتَامَىٰ أَمْوَالَهُمْ* : (And give the orphans their property). After this, there remains no reason for any doubt.

Protecting property is necessary. Wasting it is a sin. A person killed while defending his property is a *shahīd* (martyr). This is similar to being killed in defence of one's life which makes one deserving of the great reward of *shahādah* (martyrdom). The Holy Prophet صلى الله عليه وسلم has said:

مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ

Whosoever is killed while protecting his property is a *shahīd* (that is, he is counted among Muslim martyrs in terms of Divine reward). (Bukhārī, v.1, p. 337 - Muslim, v.1, p.81)

He has also said:

نِعْمًا بِأَمَالِ الصَّالِحِ لِلرَّجُلِ الصَّالِحِ

For a good man, his good and clean property is the best asset of his life. (Mishkāṭ, p. 326)

Yet another saying of his is:

لَا بَأْسَ بِالْغِنَىٰ لِمَنِ اتَّقَى اللَّهَ عَزَّوَجَلَّ

Being rich is not harmful for one who fears Allah, the Mighty, the Exalted. (Mishkāṭ, p. 491)

The last two *aḥādīth* quoted above tell us that the wealth possessed by a righteous and God-fearing person is not harmful for him because such a person, by virtue of being God-fearing, will abstain from spending it in what is sinful. The anti-wealth teachings of many Muslim saints and mystics apply to none but those who spend their lustily-earned wealth for sinful purposes and thus go on to make it the cause of their punishment in the Hereafter. Also, since man is naturally inclined to abandon, once he is rich, all concerns of moderation in his spendings, as well as the very anxiety to see that he stays safe against other sins - that is why staying away from wealth has been considered desirable. God bless our earlier people; they would earn, more or less, as needed, were grateful to Allah and ended up being happy that they have succeeded in saving their skins from being ultimately 'audited' for the whats and hows and whereas of spending their wealth, if they had it. But, in our time, people do not care much about matters of faith; they are more attracted to material things; they are all too ready to abandon their faith at the slightest provocation, not because there is some discomfort involved. Rather, they would do that lest they go against fragile fashion, or trend, or some borrowed norm of contemporary society. Therefore, it is important that people earn lawfully and conserve their earnings. For such people, the Holy Prophet صلى الله عليه وسلم has said:

كَأَدَ الْفَقْرِ أَنْ يَكُونَنَّ كُفْرًا

Poverty can take one to the point of being a disbeliever.

(Mishkāt, p. 439)

Sayyidnā Sufyān al-Thawrī رضى الله عنه elaborates this by saying:

كَانَ الْمَالُ فِيمَا مَضَى يَكْرَهُ، فَأَمَّا الْيَوْمَ فَهُوَ تَرَسُ الْمُؤْمِنِ

Previously, owning and keeping wealth was not considered good, but today, this wealth is a shield of the true Muslim.

He has also said:

مَنْ كَانَ فِي يَدِهِ مِنْ هَذِهِ شَيْئًا فَلْيُصْلِحْهُ، فَإِنَّهُ زَمَانٌ إِنْ أَحْتَاجَ كَانَ أَوَّلَ مَنْ
يَبْذُلُ دِينَهُ

Whoever has any of this (wealth) in his hands should make it serve him well for these are times when, in the event of some

need, one is likely to first 'spend' his faith in order to take care of that need. (i.e. the desire to fulfill one's need has become more important than the obligation to follow one's faith)

(Mishkāt, p.491)

The injunction to test the ability and understanding of minors

Once we know from verse 5 that minors should not be entrusted with properties until such time that their ability to discern and decide stands proved, the injunctions to educate and test such children to determine their ability follow in the next verse (6).

Verse 6: **وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ** translated as 'and test the orphans until they reach marriageable age;' means that children, well before they become pubert and marriageable, should be tested through small assignments of buying and selling in order to determine their ability to conduct themselves in transactions on their own. This process of practical experimentation should continue right through upto the age of marriageability, that is, when they become pubert and mature. This is the time of special assessment. Now it should be determined if they have become smart and self-reliant in their affairs. Once this is sensed as 'dependable', it is time to hand over their property to them.

In short, given the nature of children and the factors involved in the growth of reason and intelligence among them, they have been divided in three stages. One: minority (before puberty). Two: After puberty. Three: After self-reliance, and discretion in conducting personal affairs (*Rushd* as opposed to *Safāhah*). During the first stage, the guardians of children have been instructed to educate and train them by providing for them hands-on experience, that is, let them become smarter by conducting small dealings in buying and selling on their own. The expression: **وَابْتَلُوا الْيَتَامَىٰ** (and test the orphans) in this verse means exactly this. It is from here that Imām Abū Ḥanīfah رحمه الله has deduced the ruling that the transactions of buying and selling entered into by minor children with the permission of their guardian are sound, valid and operative.

In accordance with the other injunction, when children become mature, pubert and marriageable, the guardian should check up their state of growth at that stage in terms of experience, intelligence and dealings, and once it becomes clear that they understand their profit

and loss and handle their affairs and dealings in a satisfactory manner, their property should be handed over to them.

The Age of Maturity

Along with the injunction of maturity (*bulūgh*) in this verse, the Holy Qur'an has also answered the question as to the 'age' when a child would be taken as mature (*bāligh*) by saying: إِذَا بَلَغُوا النِّكَاحَ translated as 'until they reach marriageability'. Here, it has been indicated that real maturity is not tied up with any particular count of years. Rather, it depends on particular indicators and signs experienced by adults entering the threshold of adulthood. When, in terms of these indicators and signs, they would be regarded fit to marry, they would be considered mature, even if their age does not exceed thirteen or fourteen years. But, should it be that such signs of maturity just do not show up in some child, he shall be considered mature in terms of age, a position in which Muslim jurists vary. Some fix eighteen years for boys and seventeen for girls; some others have fixed fifteen years for both. With the *Hanafiyyah*, the *fatwā* is on the position that the boy and the girl shall both be considered mature under the Islamic law after they have completed their fifteenth year. irrespective of whether or not signs of maturity are found.

The Perception of Proper Understanding : How to find it? An Explanation of اَسْتَشْتَمُ مِنْهُمْ رُشْدًا

The injunction of the Qur'an is: 'then, if you perceive in them proper understanding, hand over to them their property.' Now, what is the time of this 'proper understanding' (*rushd*)? The Holy Qur'an has not elaborated on this final limit of time. Therefore, some Muslim jurists leaned towards favouring the view that the properties of children should not be handed over to them until it has been determined that they do have full and proper understanding. Instead, these will stay under the safe custody of the guardian as usual, even if this state of affairs continues for the rest of life.

But, in accordance with the verification of the issue by Imām Abū Ḥanīfah رحمه الله , at this point the absence of 'proper understanding' refers to the state affected by childhood. Within ten years after maturity, the effect of childhood is gone. So, there are fifteen years as the age of maturity (*bulūgh*) and ten years as the age of proper under-

standing (*rushd*). Once these 25 years are reached, such proper understanding is most likely to be achieved; something which was not possible due to the barriers of childhood, and later, younger years. Then, it should be noted that the Holy Qur'an uses the word, '*rushdan*' in its indefinite form whereby it is suggesting that full understanding and perfect sense are not absolute conditions. A reasonable measure of understanding is also sufficient for this purpose on the basis of which their properties could be given to them. Therefore, even if perfect understanding has not been achieved despite the long wait of twenty five years, even then, their properties will be handed over to them. As far as perfect understanding and wisdom is concerned, there are people who do not get to achieve these throughout their entire lives. They always remain simple, innocent and rather shy and slow in conducting their practical dealings. They will not be deprived of their properties because of this. However, should there be someone totally insane, he will be governed by a separate rule since such a person always remains in the category of immature children. His property will never be handed over to him until his insanity disappears, even if his entire life were to pass in insanity.

The Prohibition of Undue Spending from the Property of Orphans

As we know, the verse instructs that the property of the orphans should not be handed over to them until a certain degree of understanding and experience is perceived in them. Naturally, for this purpose, one will have to wait for some more time. In that case, it was probable that the guardian of the orphan could commit an excess against the interests of the orphan. So, the verse goes on to say:

وَلَا تَأْكُلُوْهُمۡ اِسْرَافًا وَبِدَارًا اَنْ يَّكْبُرُوْا

And do not consume it extravagantly and hastily lest they should grow up.

Here, the guardians of the orphans have been prevented from two things: Firstly, from spending out of their property extravagantly, that is, from spending over and above normal needs; and secondly, from starting to spend out from their property way before the need to do so, as if in a hurry, thinking of the near future when their wards would grow up and their property would have to be given to them and the

guardian's control will be all over.

The orphan's guardian, if needy, can take out some of his expenses from the orphan's property

Does a person, who spends his time and labour in the upbringing of an orphan and is devoted to the protection of his property, have the right to take an honorarium for his services from the property of the orphan? The rule is given towards the later part of the verse when it is said: **وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعِزَّ** (And whoever is rich he should abstain). It means that a person who is need-free as he can take care of his needs through some other means, then, he should not take any payment for his services from the property of the orphan, because this service is an obligation on him. Receiving payment for it is not permissible. Then, it was said: **وَمَنْ كَانَ فَتِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ** (and whoever is poor he should consume in fairness). It means that the guardian of an orphan who is poor and needy and has no other source of earning his livelihood, he can consume a reasonable amount from the property of the orphans for his sustenance in a measure that is just about right to cover his basic needs.

Having witnesses while handing over property

The verse concludes with: **فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ ، وَكَفَى بِاللَّهِ حَسِيبًا**. It means: 'when you hand over to them their property (after having gone through the period of test and trial), have (some reliable and pious people as) witnesses upon them (so that there is no dispute later). And (remember that) Allah is sufficient for reckoning (for He has a count of everything within His sight).

Payment for services rendered to country, community and *Awqāf*

The contextual extension of the verse yields an important juristic rule and principle. It concerns people who supervise *Awqāf* (religious endowments, trusts and estates) or manage mosques and religious schools or head institutions of Muslim states or hold charge of similar other services rendered for the country and community, services the rendering of which is known in Islamic terminology as *farḍ 'ala l'kifāyah* (an obligation which, if discharged by some, will absolve others). For these gentlemen too, the superior and more meritorious conduct is - of course, if they have sufficient assets to take care of the

necessary expenses needed to maintain their family - that they should not take anything from these institutions or from the public exchequer of the government. But, should it be that they do not have funds of their own to sustain themselves and they devote their earning time to such service-oriented activities, then, they have the right to take such funds from these institutions in proportion to their need. Please do notice the condition which is: 'in proportion to need'. A lot of people fix an insignificant monthly emolument shown on paper to satisfy legal requirements but they go on spending by various other means on their person and on their family recklessly, much much beyond it. There is just no remedy for this lack of caution except the fear of Allah. The last words of the verse: وَكَفَى بِاللَّهِ حَسِيبًا (and Allah is sufficient for reckoning) invite everyone, masses or classes, to realize that the man who stays untouched by unlawful acquisitions will be the man who fears the final accounting by Allah. وبالله التوفيق : And the ability to do so comes from Allah.

Verses 7 - 10

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ
مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا
مَّفْرُوضًا ﴿٧﴾ وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ
وَالْمَسْكِينُ فَأَرْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا ﴿٨﴾
وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعْفًا خَافُوا عَلَيْهِنَّ
فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا ﴿٩﴾ إِنَّ الَّذِينَ يَأْكُلُونَ
أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا وَسَيَصْلَوْنَ
سَعِيرًا ﴿١٠﴾

For men there is a share in what the parents and the nearest of kin have left. And for women there is a share in what the parents and the nearest of kin have left, be it small or large - a determined share. [7]

And if the kins and the orphans and the needy are present at the time of distribution, give them some of it

and speak to them in fair words. [8]

And those people should be fearful who, if they leave behind some helpless children, would remain anxious for them. So, they should fear Allah and say what is right. [9]

Surely, those who eat up the property of the orphans unjustly, they only eat fire into their bellies, and soon they shall enter a blazing Hell. [10]

Right from the opening of Sūrah Al-Nisā', the theme of universal human rights, particularly those relating to family life, has been appearing regularly. Verses before those dealt with the rights of orphans. The four verses here also take up particular rights of women and orphans which relate to inheritance.

The first verse (7) refutes the custom of *Jāhiliyyah* under which women were just not allowed to inherit. The verse declares their entitlement to their share as fixed by Islamic law and strictly forbids any attempt to decrease their due right. Since the subject concerned those who had a determined share in inheritance, and it is not uncommon that when such distribution is being made, some persons from among the poor and the orphans do make their appearance on the occasion, therefore the second verse (8) lays down the rule that they should be treated benignly. But, this command is not obligatory; it is, rather, commendatory.

The third and fourth verses (9, 10) also emphasize the importance of injunctions relating to orphans.

Commentary

The right to inherit from parents and other nearest of kin

Before Islam, orphans and women, the weaker links in the human chain, had been victims of all sorts of injustice. To begin with, none of their rights were recognized as such. Even if one of these was conceded, who could wrest it from men and hope to hold it safe? Such power and authority did not exist.

The breakthrough came when Islam championed their cause, legalized their rights and instituted safeguards to see that these stay secure against infringements. All this happened in the background when nations around the world had allowed these two weaker units of

human society to remain deprived of their natural and obligatory rights. Such was the state of the law of inheritance. The pre-Islam Arabs seemed to have lived by the the very principle that the one deserving of inheritance is the one who rides a horse, fights against enemies and collects battle spoils. (Ruḥ al-Ma'ānī, v. 4, p. 21). As quite obvious, women and children could not live by this principle. So, according to their principle of inheritance, only a young and adult boy could become the inheritor. A girl was absolutely out of consideration for this purpose, irrespective of whether she was major or minor. And a boy too, if minor and immature, would not be deserving of inheritance.

There was an incident during the blessed time of the Holy Prophet صلى الله عليه وسلم when a Companion, Sayyidnā Aws ibn Thābit رضي الله عنه died. He left behind two daughters, a minor boy and his wife as the inheritors. But, very much like the old Arab custom, two of his cousins from the father's side came and took the whole property in their possession and just gave nothing to anyone from among the children and wife of their deceased brother. This may have been so because, according to their customary practice, a woman was absolutely out of the pale of inheritors, major or minor. This conveniently ruled out the wife and the two daughters. As far as the boy was concerned, he was a minor and, therefore, he too was excluded from inheriting anything. As a result, the two paternal cousins became the inheritors of the whole property.

Inspite of what happened, the widow of Sayyidnā Aws ibn Thābit رضي الله عنه still wanted that these cousins who had taken possession of the entire property left by her deceased husband might as well marry the two orphaned daughters so that she is relieved of the concern for their marriage. But, as they did not accept this proposal too, she went to the Holy Prophet صلى الله عليه وسلم and narrated to him her sad story and explained the destitution of her children. Since, by that time, the 'verse of inheritance' was yet to be revealed in the Holy Qur'an, the noble Prophet صلى الله عليه وسلم withheld his response. His heart was at peace; he was confident that this unjust practice will be removed through Divine revelation. Thereupon, the following verse was revealed:

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا

For men there is a share in what the parents and the nearest of kin have left. And for women there is a share in what the parents and the nearest of kin have left, be it small or large - a determined share.

After that came the second verse of inheritance which contains the details of shares. The second section of this Sūrah comprises these details. So, the Holy Prophet صلى الله عليه وسلم followed the injunctions of the Qur'an, gave the wife the one-eighth of the total inheritance and distributed the rest of the property over the son and the daughters of the deceased in a way that the half of it went to the boy and the remaining half was shared equally by the two girls; and the cousins, since they were not the nearest of kin as compared to children, were excluded. (Ruh al-Ma'ānī)

The rule of inheritance

This verse lays down the rule relating to the law of inheritance as a corollary to some of its injunctions, which is: بِمََّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ (... in what the parents and the nearest of kin have left.) The two words, '*al-wālidān*' (the parents) and '*al-aqrabūn*' (the nearest of kin) spell out two basic principles of inheritance. The first one is the bond of birth which exists between children and their father and mother and which has been described through '*al-wālidān*.' The second one is the general kinship which is the sense of the word, '*al-aqrabūn*'. According to the correct interpretation, the word, '*al-aqrabūn*' covers all kinds of family relationships. This may be the mutual bond of birth as in children and their parents; or, it may be of the other kind as in general family relationships; or, these may be relations established through marital connection. The word, '*al-aqrabūn*' covers all, but parents were set apart specially because of their importance. Then, this word has also established another principle of inheritance, that is, the mere fact of kinship is not enough for a claim on inheritance. Rather, it is necessary that the heir is nearest in kinship, for - if the degree of nearness or closeness were not made the standard condition - the inheritance of every deceased person would have to be, of necessity, distributed over the entire human population of this wide world. The reason is simple

to understand because everyone is the offspring of one father and mother, Adam and Eve, peace be on them. Be it close or not so close, there does exist some sort of mutual relationship in everyone. When it comes to distribution of inheritance, it is, to begin with, beyond the realm of possibility. However, speaking academically, if such an arrangement was somehow made, the resulting distribution of property would be something like one insignificant particle for each which will be no good for anyone. So, it was necessary that, given the pivotal position of kinship in the matter of inheritance, the principle should be: If choice has to be made from a collection of different relatives, then, the nearest of kin should be preferred over the farther ones and, in the presence of the nearest, the farthest should not be given a share. However, if there are relatives who are all declared to be the nearest at the same time, even if the nature of nearness in them be different, then, all of them will deserve a share in the inheritance as the father and mother alongwith children, or wife etc., for they all are the nearest, though the nature of nearness differs.

In addition to that, this very word, '*al-aqrabūn*' establishes that the way men are sharers in inheritance, so are women and children, who too cannot be deprived of this right, for kinship of children, parents or any others, is the same in a boy and girl as far as the fact of being related is concerned. A boy is born to his parents and so is a girl, who is born to them. When the right to inherit depends on being related, there is no sense in depriving a small child or a girl.

Another point about the style of the Holy Qur'ān is worth noticing here. Instead of mentioning the entitlement of women in a separate sentence, the Holy Qur'ān could have easily merged it with the entitlement of men in a single sentence, by saying, "For men and women both there is a share...." But the Holy Qur'ān has elected to mention the entitlement of both sexes in two separate independent sentences, even though it seems to be a repetition. This is to emphasize the fact that the right of women in inheritance is quite independent and is as important as the right of men.

Furthermore, this very word, '*al-aqrabūn*' also tells us that the distribution of property left behind is not based on the criterion of need; it is, rather, based on the criterion of nearness in kinship. There-

fore, it is not necessary that the one more needy among the relatives should be the one more deserving of a share in inheritance. On the contrary, the one nearest in kinship to the deceased will be the one more deserving of a share in the inheritance as compared to the farther - even though, the farther may be poorer and more needy. If we set aside the principle of nearness in kinship and use the need or the beneficial effects for some relatives as the criterion, it can neither turn into a rule nor can it take the form of a settled and solid law, because any criterion, other than nearness in kinship, will inevitably be temporary as based on opinion because poverty and need or usefulness are not permanent. Conditions change. Levels change. Under such conditions, there will appear a host of claimants and those responsible for settlement would have a hard time in arriving at decision.

The problem of an orphaned grandson's inheritance

If this Qur'ānic principle is understood clearly, the problem of an orphaned grandson's inheritance - which has been made to look like a disputed issue for no sound reason - resolves itself automatically on the basis of a categorical decision. In other words, if an orphaned grandson is more needy as compared to the son, but, in accordance with the law of '*al-aqrabūn*' (the nearest in kinship), he cannot claim a share in the inheritance because he is not 'the nearest' in the presence of the son, other arrangements have been made to take care of his needs. One such arrangement appears in the next verse.

This religious position has been opposed by none but some of the contemporary, westernized modernists. Other than these, the entire Muslim *Ummah* has been holding the belief, as clarified by the Qur'ān and the Ḥadīth, that the grandson will not inherit in the presence of a son of the deceased, irrespective of whether his father is dead or alive.

The right of inheritance is operative in everything owned by the deceased

The phrase *بِمَا تَرَكَ مِنْهُ أَكْبَرُ* (be it small or large) in this verse corrects another custom practiced by some ignorant people where some things or properties were assigned to special inheritors. For example, a horse or some weapon like a sword could only be inherited by young males as a matter of right. Others were deprived of these. The instruction given by the Holy Qur'ān makes it very clear that in everything under the

ownership of the deceased, be it big or small, there is a standing right of all inheritors. It is not permissible for any inheritor to keep anything special for himself before the total inheritance has been formally distributed according to rules.

Fixed shares in inheritance have been determined by Allah

The last phrase **نَصِيبًا مَّفْرُوضًا** (a determined share) in verse 7 is to stress that different shares fixed for different inheritors in the Holy Qur'an have been determined as such by Allah Almighty. Nobody has any right to add or delete or change or transpose any of these by personal opinion or analogical deduction.

Inheritance is a compulsory transfer of ownership

This particular word, **مَّفْرُوضًا** (*mafrūḍan*: determined) throws light on yet another principle, that is, the ownership which passes on to inheritors through the law of inheritance is automatic and compulsory. It does not require the acceptance or consent of the inheritor nor is it necessary that he be satisfied with it. The fact is that, even if he were to make a clear declaration that he will not take his share, still then, he is the owner of his share in the sight of the Shari'ah. But, if he does not want to keep his share, he may, after having become the owner, gift it to somebody or sell it or distribute it, in accordance with the rules of Shari'ah.

A sign of goodwill to other relatives

It is likely that there are some relatives of the deceased who cannot receive a share from his inheritance according to the rules of Shari'ah. At the same time, it is obvious that everyone does not know the details of the system of share distribution. Generally, every relative would like to have some share out of the inheritance. Therefore, relatives who have been excluded under the provisions of the Islamic law of inheritance may feel disappointed at the time of the distribution of inheritance, specially so when they are physically present at that time, and more so when there are some orphans and poor and needy among them. A scenario in which other relatives are walking away with their respective shares while they simply look on is terrible.

Now look at the beauty and delicacy of the Qur'anic arrangement of things. On the one hand, there is the just rule offered by the Qur'an itself - that the nearer in kinship shall exclude the farther. On the

other hand, there is that wonderful concern for the disappointment of 'the excluded farther'. Therefore, a regular verse (8) has been devoted to carry the necessary instruction as to how this situation will be handled:

وَإِذَا حَصَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينُ فَأَرْضُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَّعْرُوفًا

It means that distant relatives, orphans and the needy who are to be excluded from having a share in the inheritance and who, nevertheless, show up at the time of its distribution, then, it is the moral obligation of those who get a share in the inheritance that they voluntarily give them some of it, which would become an act of charity for them, and certainly, a modality of reward from Allah. At a time like this, when wealth and property are coming to them, without their having made any effort, simply through the mercy of Allah Almighty - then, their own hearts should beat with the urge to give whatever they can, in the way of Allah, an example of which appears in another verse (Al-An'am: 6:141) cited below:

كُلُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ

That is, eat the fruit of your farm when it bears fruit and on the day of its harvesting give away the due (of the poor and the needy) on it.

In short, the fact that distant kindred, orphans and the needy assemble at the time of the distribution of inheritance should be no cause of irritation. On the contrary one should be grateful to Allah that He has bestowed on him something he did not work for, therefore, it will be good to give away a part from it as a token of gratitude. In fact, one should take it as a God-sent opportunity to let these people have a little from what they have received which would certainly compensate the sense of deprivation faced by these people. Incidentally, this includes and covers the grandson of the deceased who was excluded from the inheritance.

His uncles and paternal aunts should actually be pleased to give him something each from their respective shares.

The statement at the end of the verse (8): وَقُولُوا لَهُمْ قَوْلًا مَّعْرُوفًا (and speak

to them in fair words) gives the guideline in case these people are not satisfied with the manner and quantum of what they get but start demanding a share equal to that of everybody else, then, this demand being unjust and contrary to Shari'ah, there is no way to satisfy it, however, instead of behaving to them in a crude manner which may hurt their feelings, the actual rules of Shari'ah should be explained to them in a polite manner. They can be told that they do not have a share in the inheritance as stipulated by the rule of Islamic law and that which has been given to them has been given to them as a gift. At this point, one should make sure that the gift or donation given to such people does not come out of the total property inherited. Here it is important that the donation should be made by adult inheritors present, from their respective shares. Such gifts from the shares of the minor and the absent are not allowed in Shari'ah.

Fear Allah while distributing inheritance

The third verse (9) addresses Muslims in general exhorting them to make it certain that the inheritance of the deceased reaches his children fully and fairly. They must abstain from any mode of action which may affect the share of the children adversely. The general sense of the verse covers the eventuality when one sees a Muslim making a will or disposing property off in a manner which could cause damage or loss to his children and other inheritors. If so, one must stop him from such bequeathal or such disposal, very much like what the Holy Prophet صلى الله عليه وسلم did when he stopped the blessed Companion, Sayyidnā Sa'd ibn Abī Waqqās رضى الله عنه from giving the whole, or half, of his property in charity (*Ṣadaqah*), allowing him to give only one-third of his property as such (Mishkāṭ, Bāb al-Waṣāyā, p. 265), because, 'If the whole, or half of the property was given in charity, the share of the inheritors would have either been all consumed, or curtailed.

Also included in the general sense of the verse is that guardians of the orphaned children should protect their property and give it to them in full when they become mature. They should take pains to accomplish this mission of trust and never let the least negligence on their part affect their duty; if they wish that others treat their children well after them, without causing them any harm or injustice, then,

they should treat the children of others - the orphans - in the same manner.

Misappropriation of the property of the orphans

The fourth verse (10) carries a severe warning for those who pilfer or dispose off the property of orphans unlawfully. It declares: 'Surely, those who eat up the property of the orphans unjustly, they only eat fire into their bellies, and soon they shall enter a blazing Hell.'

This verse equates the property of the orphan with the fire of Hell. Many commentators have interpreted this metaphorically, that is, eating the property of the orphans unjustly is like stuffing one's stomach with fire - because this is what is going to happen to him ultimately in the Hereafter. But, those with deeper insights and proofs do not support the presence of some figure of speech here. According to them, whatever is eaten up from the property of the orphan unlawfully is, in reality, nothing but fire - even though, it may not look like fire at that time. This is like somebody saying that the match-box in his hand was fire, or the piece of arsenic, a killer. Obviously, handling a match-box does not burn the hand, nor does arsenic kill a man by simple handling, not even by putting it in the mouth. However, a slight friction reveals that somebody who called the match-box a fire was right; and similarly, once the arsenic goes down the throat, we know that the one who called arsenic a killer was true. Common generalizations of the Holy Qur'ān also support the view that whatever deeds, good or evil, man is doing, these very deeds are the trees, the flowers and the fruits of Paradise, or the embers of Hell - even though, their form here is different, but these will come forth on the Day of Doom transformed in their true forms. The Holy Qur'ān says: **وَرَجَدُوا مَا عَمِلُوا حَاقًّا** (Kahf - 18:49) that is, on the Day of Doom, they shall find what they did - present! In other words, the punishment and the reward they shall see will be, in reality, the result of their own deeds.

It appears in some narrations that those who devour the orphan's property unjustly will be raised on the Day of Doom in a state that flames of fire will be seen coming out from inside their bellies through their mouths, nostrils, ears and eyes.

And the Holy Prophet صلى الله عليه وسلم said that a set of people will be raised on the Day of Doom with their mouths erupting with fire. His

noble Companions asked as to who these could be. He said: "Have you not read it in the Qur'an? (which says): **إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا** (those who eat up the property of the orphans unjustly)." (Ibn Kathīr, v.1, p. 456)

The gist of the meaning of the verse is that the property of the orphan eaten up unjustly will be, in reality, the fire of Hell, though it may not be sensed as fire at that time. It is for this reason that the Holy Prophet صلى الله عليه وسلم has given very clear instructions to observe most stringent precaution in this matter. Sayyidnā Abū Hurairah رضى الله عنه narrates that the Holy Prophet صلى الله عليه وسلم said: **أَوْحَىٰ مَالُ الصَّغِيرَيْنِ الْمَرْأَةِ وَالْيَتِيمِ** (I warn you to abstain from the property of the two weak ones - the woman and the orphan.) (Ibn Kathīr, v.1, p.456)

A review at this point shows that the entire first section of Surah al-Nisā' contains injunctions relating to orphans. They bid protection of the property of the orphans, avoidance of encroaching on their property as one's own and the giving of their due share from the property they have received in inheritance; and they forbid the hasty consumption of the property of the orphans for fear of their growing mature and assuming its control, or the taking of orphaned girls in marriage and lowering their dower, or to usurp their property. In the end the text says that eating up the property of the orphan unjustly is filling of bellies with fire because, after their death, such people will be recompensed by fire filled in their bellies. Mark the use of the word, '*ya'kulūna*' and the warning given to those who 'eat up' the property of the orphan. It means that using the property of the orphan in whatever manner it may be - eating, drinking, consuming, utilizing - is totally unlawful, and a sure cause of Divine wrath. The punishment of eating up what belongs to somebody else unjustly and without any right covers all sorts of uses.

When someone dies, the right of every inheritor attaches itself to everything he owns, to each and every part, to everything big or small. It is tragic that the minor children of the deceased become orphans. Mostly, such children face a certain degree of injustice and excess in every home and everyone who assumes control of the property after the death of the father of these children - whether an uncle or elder brother or mother or some guardian or trustee - falls into doing things forbidden in this section. To begin with, they just go on postponing the

distribution of the property for years together, spending a little here and there to feed and clothe these children. After that, they open up and become all too liberal in spending this jointly-held property on religiously unacceptable practices, customs and wasteful heads of expenditure. They would even spend it on their own person and go on to the limit of manipulating legal documents entering the names of their own children in place of the orphans. These are things hardly a home remains unaffected from.

The donations made for orphans in religious schools and orphanages must be spent on them. Not spending these on the orphans is a form of 'eating up' the property of the orphan.

Rulings

1. Inheritance includes everything owned by the deceased, even the clothes on the dead body. People tend to give these out in charity without realizing that they belong to what has been left by the deceased. There are places where copper utensils are given out to the poor well before the total property is formally distributed, although minors and absentees from among the inheritors have rights in all such things. The proper method is to first distribute the property in accordance with whatever shares are to be received by children, wife, parents, sisters and anyone else as stipulated by the Islamic law of inheritance. Once the ownership passes to sharers, it is upto them who can, if they so desire willingly, give away part of it in charity on behalf of the deceased. If the receivers of such shares wish to do that jointly, let them make sure that they are all adults, for the permission of the minor is not valid. As far as inheritors who are absent are concerned, nothing can be taken from their shares without their permission.

2. The sheet spread over the *Janāzah* while carrying the deceased to the graveyard is not part of the required shroud (*Kafn*). It is not permissible to buy it from the proceeds of the property left by the deceased, because that is something held jointly. However, if someone was to cover the cost on his own, that would be permissible. There are places where a prayer-mat is torn out of the cloth purchased for the shroud and is used by the Imām who leads the *janāzah* prayers. The mat is later given to the Imām. This expense is extra to the needed shroud and it is not permissible to buy it from the proceeds of the hith-

erto combined inheritance.

3. In some areas, new utensils are procured for bathing the deceased and which are broken after use. First of all, there is no need to buy new ones for a bath can be given using utensils already in the house; and if, for any reason, they have to be purchased, then, breaking them is not permissible. It not only amounts to wasting of property but also means causing loss to orphans and absent inheritors whose due rights are attached to the total property.

4. Any expenses before the distribution of inheritance, such as entertainment of guests or charity and alms, are totally impermissible. Giving charity and alms in this manner brings no merit or reward for the deceased. In fact, such giving under the notion that it will bring good returns for the departed soul is a far greater sin. The reason is simple. After the death of a person, all his property belongs to the inheritors in proportion to their respective rights in it. Then, there are orphans among them. Giving away things in charity from the combined property which includes the share of the orphan is like stealing from somebody's property and giving it in charity on behalf of the deceased. This is not correct. First distribute the property, then, let the inheritors give in charity from their shares for the good of the deceased, if they so desire.

It is better not to go for charity and alms from the combined inheritance even before the actual distribution, even though it be with the permission of inheritors. This is because the permission of whoever is an orphan among the inheritors is not just valid right from the outset. As for the adult ones, it is not necessary that their 'permission' comes out of their willing heart. It is quite possible that they are left with no option but give their permission lest they are disgraced before others. In other words, they may say yes with a heavy heart just to ward off the sense of shame.

Let us look at an anecdote ascribed to a pious elder, which will further clarify the issue. This pious elder went to visit a sick Muslim. He had hardly sat with the patient for a little while when the latter died. The sage immediately put out the lamp burning there and gave someone the money to buy oil and re-light the lamp with it. When people around asked him for the reason of his doing so, he said that

this lamp was under the ownership of this person until such time that he was alive and it was correct to use that light. Now that the deceased has left this mortal world, his inheritors have the necessary right over everything he owned. So, it is only through the permission of all inheritors that we can use this lamp and since all of them are not present here, this lamp was lighted at a personal cost.

Verse 11

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ آبَاؤُكُمْ وَابْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِنَ اللَّهِ إِنْ اللَّهُ كَانَ عَلِيمًا حَكِيمًا ﴿١١﴾

Allah directs you concerning your children: for a male there is a share equal to that of two females. But, if they be (only) women, more than two, then they get two-third of what one left behind. And if she be one, she gets one-half. And for his parents, for each of them, there is one-sixth of what he left in case he has a child. But, if he has no child and his parents have inherited him, then, his mother gets one-third. And if he has some brothers (or sisters), his mother gets one-sixth, all after (settling) the will he might have made, or debt. Your fathers and your sons - you do not know who, out of them, is closer to you in being beneficial. All this is determined by Allah. Surely, Allah is All-Knowing, All-Wise. [11]

People entitled to inheritance were briefly mentioned in verse 7 of the previous section which also carries details about some kinds of those so entitled. Also given there are their shares under different circumstances. More details in this connection shall be appearing later towards the end of this Sūrah. Remaining shares have been identified

in *aḥādīth*. Muslim jurists have collected and codified all details of the rules of inheritance from the Qur'ān and Ḥadīth, giving it the status of a permanent science which, in Islāmic terminology, is known as *ʿIlmul-Farāʿid* (the Science of the Laws of Inheritance).

The present verse (11) describes shares for children and parents along with some related aspects of inheritance.

INHERITANCE

Preliminary Rights on the Property of the deceased

According to the principles of Islāmic law, the expenses incurred on the shrouding and burial of a Muslim deceased should be the first thing to be paid out of the property left behind by him. This should be done in accordance with Shari'ah avoiding the extremes of extravagance or stinginess. After that, his debts should be paid. If the amount of his debts is just equal to the property left by him, or even more than that, then, there will be no distribution of inheritance and no application of any will. And in case there remains some property after paying debts, or if there are no debts, then, subject to any will made by him which should not be a will of sin, then, this will should be carried out to the extent of one-third of his remaining property. If someone makes a will for his entire property, it will not take effect. Such will shall be considered valid for only one-third of his property. The fact is that making a will for more than one-third of the property is not appropriate; and if it is done with the intention of excluding inheritors, it becomes a sin.

Once the debts are paid and the will has been applied within one-third, the rest of the property should be distributed among the legal heirs, details of which are available in books of *Farāʿid*, the Muslim law of inheritance. Incidentally, if the deceased has made no will, then, following the payment of debts, the whole of the remaining property shall be distributed as inheritance.

The share of children

As it has appeared in the previous section, the distribution of inheritance shall be on the principle of الاقرب فالأقرب (the nearest, then, the nearest). Since the children of the deceased and his parents are

the nearest, therefore, they inherit under all conditions. These relations are the nearest and most direct of all relationships that human beings have, others being indirect. So, the Holy Qur'an takes up their shares first and beginning from the share of children, it says:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ

Allah directs you concerning your children: for a male there is a share equal to that of two females.

This is a universal rule which entitles boys and girls both as recipients of inheritance, determines the shares of each and, at the same time, unfolds the operative rule in the event the deceased leaves behind both male and female children when their shares in the property will be distributed in a way that each boy gets twice that of a girl. For instance, if someone leaves behind one boy and two girls, the property will be split in four portions or shares out of which 2/4 will be given to the boy and 1/4 to each girl.

The importance of giving shares to girls

The Holy Qur'an demonstrates visible concern to ensure that girls are given their share when it mentions the share of girls as a basis for determining the share of boys. In other words, instead of saying - 'for two females there is a share equal to that of one male' - it has elected to say: لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ (for a male there is a share equal to that of two females.) Those who do not give shares to sisters on the pretext that they have forgone their right are in error, because their sisters usually do not forgo their rights willingly. Done reluctantly, with the knowledge that they are not going to get anything anyway, they think, why create bad blood between brothers and sisters? Such an act of forgiving is not valid under Islamic law. Their claim remains due against brothers - and those who usurp inheritance are terrible sinners. In case minor girls hold shares in such inheritance, not giving them their shares is a sin committed twice by usurping the share of a legal heir and by devouring the property of an orphan.

As part of further explanation later, the share of girls has been described by saying:

فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ

It means that, if there is no male child and there are only girls and

they are more than one, then, they shall get two-third of the inherited property in which all girls will be equal sharers. The remaining one-third will go to other rightful heirs of the inheritance, such as the parents of the deceased, wife or husband. Two girls and more than two will all share in the two-third.

The share of 'more than two' girls appears in the Qur'ānic verse very clearly *فَوْقَ اثْنَتَيْنِ* (more than two). However, if there are two girls only, they are governed by the same rule which governs more than two. The proof appears in Hadīth:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ خَرَجْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَتَّى جِئْنَا امْرَأَةً مِنَ الْأَنْصَارِ فِي الْأَسْوَافِ فَجَاءَتِ الْمَرْءُ بَابَتَيْنِ لَهَا فَقَالَتْ يَا رَسُولَ اللَّهِ هَاتَانِ بِنَتَا ثَابِتِ بْنِ قَيْسٍ قَتَلَ مَعَكَ يَوْمَ أُحُدٍ وَقَدْ اسْتَفَاءَ عَمَهُمَا مَالَهُمَا وَمِيرَاثَهُمَا كُلَّهُ وَلَمْ يَدَعْ مَالًا إِلَّا أَخَذَهُ فَمَا تَرَى يَا رَسُولَ اللَّهِ فَوَاللَّهِ لَا تَنْكِحَانِ أَبَدًا إِلَّا وَلَهُمَا مَالٌ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يَقْضَى اللَّهُ فِي ذَلِكَ وَقَالَ نَزَلَتْ سُورَةُ النِّسَاءِ "يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ" الْآيَةَ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ادْعُوا لِيَ الْمَرْءَ وَصَاحِبَهَا فَقَالَ لِعَمَّهُمَا اعْطِيَهُمَا الثَّلَاثِينَ وَاعْطِ امَّهُمَا الثَّمَنَ وَمَا بَقِيَ فَلَكَ، (ابوداؤد كتاب الفرائض، وبمعناه في الترمذی ابواب الفرائض)

Sayyidnā Jābir ibn 'Abdullāh has reported the following event: "Once we went out with the Messenger of Allah ﷺ until we passed by an Anṣārī woman in the neighbourhood of Aswāf. The woman came along with her two girls and said: O Messenger of Allah, these two girls are daughters of Thābit ibn Qays (my husband) who fell a martyr at the battle of Uḥud while with you. The uncle of these girls has taken possession of whatever they had of their entire inheritance and has left nothing for them. What do you say about it, O Messenger of Allah? By Allah, these girls can never hope to be taken in marriage by anyone unless they have some assets. Then, the Holy Prophet ﷺ said: Allah will decide in this matter

Sayyidnā Jābir رضى الله عنه says: When this verse of Sūratun-Nisā' *يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ* was revealed, the Holy Prophet ﷺ said: Call that woman and the man she mentioned (the brother of her deceased husband who had taken possession of his entire property). He said to the uncle of the girls: Give the girls two-

thirds of the entire property; their mother, one-eighth and what remains is for you.

(Abū Dawūd, Kitāb al-Farā'id & Tirmidhī, Abwāb al-Farā'id)

In the case mentioned in the *ḥadīth*, the Holy Prophet صلى الله عليه وسلم gave out two-third to two girls as well, following the very rule of more than two which appears in the verse of the Holy Qur'an under reference.

After that, it was said: *وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ* It means: If the deceased left behind one girl only and no other children, then, she will get one-half of what her father or mother have left behind. The rest will go to other inheritors.

The share of parents

The text, moving to the share of the parents of the deceased, mentions three states:

1. Firstly, the deceased may have left behind parents who are still alive, and children too, whether only one boy or girl, in which case, the father and mother will get 1/6 each. The legacy that remains will go to children, wife or husband. There are particular circumstances when some of the remainder returns back to the father which is in addition to the one-sixth fixed for him. In the terminology of *ʿIlmu'l-Farā'id* (The Science of the Laws of Inheritance), such entitlement is known as the entitlement of "*Ta'sīb*: *تعصيب* (Agnatic kinship).

2. Secondly, under a situation when the deceased has no children, brothers or sisters, but does have parents still living, the mother will get 1/3 of the inherited property while the father will get the remaining two-third. This rule governs a situation when the husband or the wife of the deceased is not alive to share in his inheritance. If the husband or wife is present, their share will be taken out first and from what remains, 1/3 will go to the mother and 2/3 to the father.

3. Thirdly, under a situation when the deceased has no children but does have brothers and sisters whose number is two, whether two brothers or two sisters, or more than two, then, under that situation, the mother will get one-sixth and, if there are no other heirs, the remaining 5/6 will go to the father. As evident, the presence of brothers and sisters has reduced the share of the mother, but the brothers and

sisters will get nothing because the father is nearer as compared to brothers and sisters. What remains will go to the father. In this situation, the share of the mother has come to 1/6 instead of 1/3. In the terminology of '*Farā'id*', this is known as "*Hajb al-Nuqṣān*". The presence of these brothers and sisters causing reduction in the share of parents, irrespective of whether they are real or whether they are from the same father but different mother or whether from the same mother but different father, under all such conditions, their presence will reduce the share of the mother - subject to their being more than one.

The text, after describing the fixed share, says:

أَبَاءَكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

It means: 'These shares for children and parents have been determined by Allah Almighty Himself in His infinite wisdom because He is Wise and He knows everything. The shares fixed have great considerations behind them. If the distribution of inheritance was left to your opinion, you would have made beneficialness the criterion of such distribution. But, who will be the best to receive or deliver real benefit is something which would have been difficult for you to ascertain with any measure of certainty. Therefore, 'nearness in kinship' was preferred to 'being beneficial' as the criterion of the injunction.

This verse of the Holy Qur'an clearly declares that the shares of inheritance determined by Allah Almighty are settled injunctions from Him. Nobody has any right to enforce opinion or to increase or decrease its stipulations. These should be accepted whole-heartedly. This command from everyone's Creator and Master is based on what is wise and beneficial for human beings. There is no aspect of benefit outside the expanse of His knowledge and there is no command He gives bereft of some or the other element of wisdom. Man cannot, all by himself, recognize his gain and loss in the real sense. If this question of the distribution of inheritance was left to man's personal opinion, it was certain that man would not have decided correctly because of his limitations in understanding and, as a result of which, lack of moderation and justice would have affected the distribution of

inheritance. So, Allah Almighty, in His most exalted majesty, took this responsibility in His hands so that justice and equity reign supreme in the distribution of property and the capital left by the deceased circulates in the hands of competent inheritors in a manner which is just and equitable.

Verse 12...

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِيَنَّ بِهَا أَوْ دَيْنٍ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَنَّ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثَّمَنُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ ﴿١٢﴾

And for you there is one-half of what your wives left behind, in case they have no child. But, if they have a child, you get one-fourth of what they left, after (settling) the will they might have made, or debt. And for them (the wives) there is one-fourth of what you left, in case you have no child. But, if you have a child, they get one-eighth of what you left, after (settling) the will you might have made, or debt. [12...]

Upto this point, the text has described the shares of those competent to inherit, those who had the affinity of lineage and birth with the deceased. The present verse talks about some others who do have the competence but are not related by lineage. Instead, they are related by marriage. Details appear in the Commentary.

Commentary

The share of the husband and the wife

In this part of verse 12, the shares of the husband and the wife have been determined. The share of the husband has been mentioned first, perhaps to show its importance because after the death of the wife, the husband becomes part of some other family. If the wife dies at the home of her parents with her assets too being there, her people may avoid giving the share due to the husband. By describing the right of the husband first, the Holy Qur'an has possibly condemned

this practice. To explain in details, it means that in case the deceased wife has left no child behind, the husband will get, after the payment of debt and execution of will, one-half of the total property left by the deceased. Out of the remaining half, other heirs, such as the parents of the deceased, her brothers and sisters, will get their shares according to rules set for them.

If the deceased wife has left children - one or two or more, whether male or female, either from the same husband, or from some previous husband, then, the present husband will get, after the payment of debt and execution of will, one-fourth of the total property left by the deceased woman. Shares from the remaining three-fourth will go to other heirs.

If it is the husband who dies leaving his wife behind and leaves no children, the wife will get, after the payment of debt and the execution of will, one-fourth of the total property left by the deceased. And if he has left a child - either from the present wife or from some other wife - she will get, after the settlement of debt and will, a one-eighth share. And if the deceased husband had more than one wife, all alive at the time of his death, the attending details shall remain the same, however, the share prescribed for the 'wife' (i.e. $\frac{1}{4}$ or $\frac{1}{8}$) shall be divided equally between all the wives. In other words, every woman will not get a share of one-fourth and one-eighth. Instead, all wives will share the one-fourth or one-eighth equally. Then, under both these conditions, the inheritance which remains after settling the share of the husband/wife will be distributed among other heirs left by them.

Ruling

It must be ascertained before the distribution of inheritance that the *mahr* (dower) of the wife has been paid. If the deceased has not paid the *mahr* of his wife, this will be taken as debt, and will have to be paid first from the total property, like all other debts. The inheritance will be distributed only after that. It should be noted that the woman, after having received her *mahr*, shall go on to receive her fixed share in the inheritance as a competent inheritor. And in case, the property left by the deceased is not more than the value of dower, and nothing remains after it is paid, the entire property will be given to the woman against her debt of *mahr* very much like other debts and,

as a result, no heir will receive any share from the inheritance thus used up.

... Verse 12

وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتُ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ غَيْرَ مُضَارٍّ وَصِيَّةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ ﴿١٢﴾

And if the man being inherited, or the woman, is *Kalālah* (having no father or son to inherit) and he has a brother or a sister, then, for each of them there is one-sixth. And if they are more than that, they shall be sharers in one-third, after (settling) the will that might have been made, or debt, causing no damage. All this is prescribed by Allah. And Allah is All-Knowing, Forbearing. [...12]

After having made a brief mention of rights of relations emerging from lineage and marriage, the text now introduces the injunction which covers the inheritance of a particular deceased who has left no children or parents, details of which appear below

The inheritance of *Kalālah*

This later part of verse 12 describes the injunction relating to the inheritance of *Kalālah*. There have been many definitions of *Kalālah*. Al-Qurṭubī reports these in his *Tafsīr*. According to the most well-known definition, 'A person who dies leaving no ascendants and descendants is *Kalālah*.'

'Allāmah al-Ālūsī, the author of *Ruḥ al-Ma'ānī* says that *Kalālah* is really a verbal noun used in the sense of *Kalāl* meaning 'to become exhausted' which denotes 'weakness'. The name *Kalālah* has been applied to every relationship other than that of father and son because that relationship is weak as compared to the relationship of father and son.

Moreover, the word, *Kalālah* has also been applied to the deceased who left no son or father to inherit, as well as to the inheritor who is

neither the son nor the father of the deceased. The lexical derivation requires that the word, ذُرِّيَّةٌ : *dhū*, should be deemed as understood though not expressed explicitly. Thus *Kalālah* will be taken in the sense of *Dhū Kalālah*, meaning 'one having weak relation'. Later on, the word also came to be applied to the property left as inheritance by a deceased having no son and father.

In gist, if a person, man or woman, dies and leaves behind neither father nor grandfather nor children, but does leave a brother or sister from the same mother and different father, the brother will get 1/6 and, if there is none, the sister will get 1/6. However, if they are more than one (for example, there may be one brother and one sister, or two brothers and two sisters) then, they all will share one-third of the entire property of the deceased. Here, the male will not get twice that of the female. 'Allāmah al-Qurṭubī says:

وَلَيْسَ فِي الْفَرَائِضِ مَوْضِعٌ يَكُونُ فِيهِ الذَّكَرُ وَالْأُنثَى سَوَاءً إِلَّا فِي مِيرَاثِ
الْأَخَوَةِ لِلْأُمِّ

The share of the brother and sister

Let it be clear that this verse refers to the share of *Akhyāfī* brothers and sisters (i.e. from the same mother and different fathers; also referred to as half-brothers and half-sisters). Though, this restriction has not been mentioned in the present verse, but consensus holds it as creditable. The *Qirā'ah* or rendition of Sayyidnā Sa'd ibn Abī Waqqāṣ رضى الله عنه in this verse is: وَلَهُ أَخٌ أَوْ أُخْتٌ مِنْ أُمِّهِ (and he has a brother or sister from his mother) as has been reported by al-Qurṭubī, al-Ālūsī, al-Jaṣṣaṣ and others. Although this rendition has not come to us through *tawātur* (a consistent narration of a very large number of persons in all ages) but because of the consensus of the entire Muslim *ummah*, it is worth practicing. Another clear proof is that Allah Almighty mentions the inheritance of *Kalālah* at the end of Sūrah Al-Nisā' as well. If, it has been said there, there is one sister, she will get half. And if there is one brother, he will inherit the entire property of his sister. And if there are two sisters, they will get 2/3. And if there are several brothers and sisters, the male will be given twice that of the female. This injunction appearing at the end of the Sūrah refers to 'Ainī (real and full) brothers and sisters, and to 'Allatī (from the same father and

different mothers) brothers and sisters. If 'Allatī and 'Ainī brothers and sisters were to be included here, it will cause a contradiction in injunctions.

The issues regarding will (Waṣiyyah)

The shares of inheritance have been described thrice in this section and it has been said that this distribution of shares comes after the execution of will and the payment of debt. As it has been stated earlier, one-third of what remains of the property, after taking care of the cost of the funeral for the deceased, and payment of debts, shall be applied to the execution of the will. If the will exceeds the extent of one-third, it is not legally enforceable. According to the rule of Shari'ah, the payment of debt comes before the execution of will. If the entire property is used up in paying debts, there will be no will to execute and no property to distribute. At all the three places where 'will' has been mentioned, 'it' appears before 'debt'. As obvious, this gives the impression that the right of 'will' precedes 'debt'. Removing this misunderstanding, Sayyidnā 'Alī رضی اللہ عنہ said:

انکم تقرأون هذه الآية مِنْ بَعْدِ وَصِيَّةٍ يُوصُونَ بِهَا أَوْ دَيْنٍ، وان رسول الله صلى الله عليه وسلم قضى بالدين قبل الوصية . (مشکوٰۃ بحوالہ ترمذی ص ۲۶۴)

(You recite the verse: مِنْ بَعْدِ وَصِيَّةٍ يُوصُونَ بِهَا أَوْ دَيْنٍ that is, 'after settling the will they might have made, or debt' [where 'will' comes first] but [practically] the Holy Prophet, may peace be upon him, has settled, 'debt' before 'will').

Still, we have to know the point as to why will follows debt 'practically' while, in words, it has been mentioned earlier. In this connection, the author of Ruḥ al-Ma'ānī has this to say:

وتقديم الوصية على الدين ذكراً مع ان الدين مقدم عليها حكماً لظهور كمال العناية بتنفيذها لكونها مظنة للتفريط في اداها الخ .

It means that the mention of will before debt in this verse is to emphasize upon the enforcement of the wills. Since the beneficiary of a will deserves it without any price paid by him, and often without having a kinship with the testator, it was likely that the inheritors ignore to enforce it or, at least, may cause unnecessary delay in its execution, because they may have not liked to see the property that

was to be inherited by them going to somebody else. So, it was to keep up the importance of will that it was mentioned before debt. Then, it is also not necessary that every person incurs a debt, and if a person incurs it during his life-time, it is not necessary, that the said debt remains unpaid upto the time of his death. And even if the debt was due to be paid at the time of death, even then, since the claim of debt comes from the debtors to which the inheritors cannot say no, the likelihood of any shortcoming in this respect is slim. This is contrary to the case of will in which the deceased, when he bequeaths part of his property, earnestly desires that he should invest it in something good which serves as ongoing charity on his behalf. Since, there is no chance of a claim on this bequeathed property from any side, there was a possibility that the inheritors themselves might fall into some sort of shortcoming, so, it was to offset this likelihood that the 'will' has been mentioned first everywhere as a special measure.

Rulings

1. If there is no debt and no will, the entire property, after taking care of the funeral expenses, will be distributed over the inheritors.

2. Making a will in favour of a heir is not lawful. If someone makes a will in favour of his son, daughter, husband or wife, or for someone else who is going to get a share in his inheritance, then, this will is not enforceable. The inheritors will get what is coming to them as their share in the inheritance. They are not entitled to more than that. The Holy Prophet صلى الله عليه وسلم said in his famous address on the occasion of his last Hajj:

إِنَّ اللَّهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ فَلَا وَصِيَّةَ لِرِوَارِثٍ . (مشکوٰۃ بحوالہ ابوداؤد ص

(۲۶۵)

(Surely, Allah has given every person his (or her) right. So, there is no will for an inheritor.) (Mishkat with reference to Abū Dāwūd, p. 265)

However, should other inheritors permit, the will made in favour of a particular inheritor, may be executed first and, then, the rest of the property may be distributed in accordance with the method laid down by the Shari'ah, in which the particular inheritor will also get his fixed share from the inheritance. Some *ḥadīth* narrations do carry the excep-

tion of إِلَّا أَنْ يَشَاءَ الْوَرَثَةُ (unless inheritors wish). (as in al-Hidāyah).

The words غَيْرَ مُضَارٍّ (causing no damage) appearing after the rules of inheritance of *Kalālah* have a special significance. They are to warn that even though the execution of the will and paying off the debts have precedence over the shares of the heirs, yet this rule should not be misused to cause harm to the genuine inheritors.

If anyone makes a will or makes a false admission of indebtedness so as to deprive inheritors, then, he is doing something strictly forbidden and is committing a major sin.

There are many ways damage can be done through debt and will. For example, one may deliberately lie that he is in debt, just to let that be given to a friend or somebody else. Or, he may show something special which he owns personally as something he holds in trust for somebody so that it can stay out of the total inheritable property. Or, one may make a will for property beyond the extent of one-third. Or, he lies about an unpaid loan he gave to somebody and says that the debt was paid off so that it does not pass on to the inheritors. Or, one may, during his illness culminating in death (مرض الموت), make a gift of more than one-third in the name of somebody.

These are forms of causing damage. Every legator who is going to bid farewell to this mortal world should do his best to stay away from causing such damages during the last moments of his life.

It should be noticed that although the words 'causing no damage' have appeared only with the rules relating to *Kalālah*, however, the rule laid down by them is general and is also understood at two previous places where the precedence of will and debt has been mentioned in these verses. Therefore, it is not the *Kalālah* only who should refrain from causing harm to his inheritors, but the same rule applies to all persons who wish to make a will.

The emphasis on distribution according to fixed shares

Towards the end of the verse, after the shares of inheritance have been described, Allah Almighty has said: وَصِيَّةٌ مِنَ اللَّهِ (All this is prescribed by Allah). It means that it is imperative to act upon whatever has been prescribed in relation to shares as fixed and the payment of debt and the execution of will as emphasized. Being a

mandate and injunction of supreme significance, one should do nothing to contravene it. Then, as additional warning it was said: **اللَّهُ عَلِيمٌ** (And Allah is All-Knowing, Forbearing). It means that Allah knows everything and He has apportioned these shares knowing everybody's true state of being as in His knowledge. Whoever obeys and acts in accordance with these injunctions, this good deed of his shall not remain outside the reach of His knowledge. And whoever contravenes these injunctions, this evil conduct of his shall certainly appear as it is in the knowledge of Allah for which he shall be held accountable.

In addition to that, if a deceased person has caused damage to his heirs through debt or will, Allah knows that as well. So, one should never be fearless from Allah's punishment. However, it is quite possible that Allah Almighty may not punish a person right here in this mortal world, because He is Forbearing. But, the one who disobeys and acts in contravention should better not deceive himself by thinking that he really got away.

Verses 13 - 14

تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي
مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ذَلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣﴾
وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا
فِيهَا وَلَهُ عَذَابٌ مُهِينٌ ﴿١٤﴾

These are the limits set by Allah. And whoever obeys Allah and His Messenger, He will admit him to gardens beneath which rivers flow, remaining there for ever. And that is a great success. [13] And whoever disobeys Allah and His Messenger and crosses the limits set by Him, He shall admit him to the Fire, remaining there for ever. And for him there is a humiliating punishment. [14]

Commentary

It is the consistent style of the Holy Qur'an that whenever it has described the beliefs and injunctions prescribed by Allah, it is followed by promises of reward or warnings of punishment.

This is what has been done here in these two verses after mentioning the rules of inheritance. The purpose is to stress upon Muslims to obey these injunctions.

SOME ADDITIONAL RULES OF INHERITANCE

A Muslim cannot inherit from a *Kāfir*

Although, the distribution of inheritance is based on nearness of kinship, but there are certain exceptions to this rule. First of all, the deceased and his inheritor should not be from two different religions. Therefore, a Muslim will not inherit from any *kāfir* and no *kāfir* from a Muslim, no matter what lineal relationship they may have between them. The Holy Prophet صلى الله عليه وسلم said:

لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ وَلَا الْكَافِرُ الْمُسْلِمَ (مشكوة ص ٢٦٣)

(The Muslim does not inherit the *kāfir*, nor does the *kāfir* (inherit) the Muslim.) (Mishkāṭ, p. 263)

This rule relates to a situation when a person is a Muslim or a *kāfir* by birth. But, if a person who was first a Muslim, turned away from Islām and became an apostate and died or was killed in that state of apostasy, all his earnings while being a Muslim shall go to his Muslim inheritors, and whatever he may have earned after his apostasy shall be deposited in the *Bayt al-Māl* (Public Exchequer).

But, if a woman becomes an apostate, all her property, whether acquired during her days of Islam or during apostasy, shall go to her Muslim inheritors. However, an apostate as such, man or woman, shall not inherit from any Muslim nor from any other apostate.

The inheritance of the killer

If someone kills a person from whose property he was entitled to receive a share, he shall no longer remain his inheritor and shall be excluded from the inheritance of the person whom he has killed.

The Holy Prophet صلى الله عليه وسلم said: (مشكوة ص ٢٦٣) الْقَاتِلُ لَا يَرِثُ (The killer shall not inherit.) (Mishkāṭ, p. 263) However, some forms of *qatl al-khaṭā'* (accidental or unintended homicide) are excepted from this rule, details of which appear in books of *Fiqh*.

The inheritance of the unborn child

If a person leaves some children and his wife is pregnant, then this

unborn child will also be counted among inheritors. But, since it is either difficult or uncertain to determine the sex or the number of children in the mother's womb, it would be appropriate to postpone the distribution of inheritance until the birth of the child. If, the distribution of property has to be made necessarily, then, as an expedient measure, one must suppose two situations in terms of a boy or a girl and distribute to the inheritors the lesser portion coming out of the two situations. The remaining should be held for the child-to-be-born.

The inheritance of a woman in the period of 'iddah

In case a person divorces his wife and the divorce is revocable, and this person dies before the revocation of the divorce and the expiry of his wife's waiting period, then this woman will get a share in the inheritance, for the marriage is in force.

If a person divorces his wife during his sickness culminating in his death, even though the divorce is irrevocable or pronounced thrice, and he died before the expiry of the waiting period, even then, this woman will get a share in the inheritance. And in order to make her inherit, the longer of the two waiting periods shall be taken as operative in the following manner.

The waiting period following a divorce is three menstrual periods and the waiting period following the death of the husband is four (lunar) months and ten days. The waiting period out of the two which lasts longer shall be prescribed as the waiting period for the aforesaid woman so that the woman may get a share in the inheritance as far as possible.

And if a person divorces his wife, irrevocably or by pronouncing it thrice, prior to any sickness culminating in his death and, a few days later he passes away during the period of his wife's waiting period, then, she will not get a share in the inheritance under this situation. However, if the divorce given was revocable, she will inherit.

Ruling:

If a wife secures a separation from the husband at her own instance (كُلٌّ : *khul'*) within the period of his sickness which culminates in his death, then, she will not be an inheritor, even though her husband may die during her waiting period.

The inheritance of 'aṣḥāb'

There are twelve heirs for whom specified shares have been settled and fixed by the Shari'ah known as *Farā'id*. These heirs are called اصحاب الفروض *aṣḥābul-furūd*, that is, 'the possessors of obligatory shares in inheritance as determined in the Holy Qur'ān.' These have been explained earlier. If there is no heir from the category of *aṣḥābul-furūd* or there remains some property after shares have been given to *aṣḥābul-furūd*, this remainder or residue is given to 'aṣḥāb (agnatic heir, or residuary). There are times when one person alone inherits in both capacities. There are other situations when the children of the deceased and his father too become 'aṣḥāb and so do the offspring of the father, that is, the brother.

There are several kinds of 'aṣḥāb or agnates, details of which appear in the books of *Farā'id*. To illustrate, here is an example: *Zayd* died leaving behind four heirs - wife, daughter, mother and uncle. *Zayd's* property will be divided into a total of twenty four shares. Half of these, that is, twelve shares will go to the daughter, three shares to the wife against her 1/8, four shares to the mother against her 1/6, and the residue of five shares will go the uncle in the capacity of his being 'aṣḥāb, the nearest male agnate.

Rulings

1. If there are no 'aṣḥāb (agnatic heirs) the residue of the property following the distribution of shares to *aṣḥābul-furūd*, is also given to them. In the terminology of *Ilmul-farā'id*, this is known as the principle of *Radd* or Return since the residue 'returns' to them in proportion to their shares. However, the husband or the wife is not entitled to this 'return' and they are not given any more than their specified shares.

2. If there is no one from *aṣḥābul-furūd* and no one from 'aṣḥāb either, the inheritance goes to *Dhawil-Arḥām* (maternal kinsmen). There is a large list of *Dhawil-Arḥām* which includes maternal grandsons and grand daughters, offspring of sisters, paternal avunts, maternal uncles, and aunts. Since the subject has lot more details which cannot be taken up in the present context, it is hoped that comments already offered will be sufficient.

Verses 15-16

وَالَّتِي يَأْتِيَنَّ الْفَاحِشَةَ مِنْ نِسَائِكُمْ فَاسْتَشْهِدُوا عَلَيْهِنَّ
 أَرْبَعَةً مِنْكُمْ فَإِنْ شَهِدُوا فَأَمْسِكُوهُنَّ فِي الْبُيُوتِ حَتَّى
 يَتَوَفَّيَهُنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّهُ لَهُنَّ سَبِيلًا ﴿١٥﴾ وَالَّذِينَ يَأْتِيَنَّهَا
 مِنْكُمْ فَادْءُوهُمَا فَإِنْ تَابَا وَأَصْلَحَا فَأَعْرِضُوا عَنْهُمَا إِنَّ اللَّهَ
 كَانَ تَوَّابًا رَحِيمًا ﴿١٦﴾

And those of your women who commit the shameful act, then have four witnesses from among you. So, if they do testify, then confine those women to their homes until death overcomes them or Allah prescribes a way for them. [15] And those two of you who commit it, torture them both. But if they repent and amend, turn away from them. Surely, Allah is Most-Relenting, Very-Merciful. [16]

Sequence

In previous verses, the objective was to correct the malpractices of the days of ignorance committed about orphans and inheritances. The people of *jāhiliyyah* also used to subject women to cruel treatment. They had certain other evil customs also, such as marrying prohibited women.

The present verses are meant to correct such customs, however, it has been permitted that if a woman commits a proven guilt, she can be punished. This subject of correcting the evil customs will continue through the next two or three sections.

Commentary

These verses prescribe punishments for men and women who commit *zinā*, (adultery or fornication). If this comes from women, the first verse requires the presence of four male witnesses to prove it. It means that the executive authority before which the case goes should call for four qualified witnesses to prove *zinā*. Then, it is necessary that all the witnesses are male. The testimony of women in this connection is not valid.

Since the guilt of *zinā* is of extremely grave nature which not only

violates honour and modesty, but also brings bad name to the family, Islam has taken very strict attitude while setting the standard of evidence to prove this guilt. Firstly, there came the condition that witnesses have to be men; the evidence of women was not considered valid. Secondly, the number of the required witnesses is raised to four. As obvious, this condition is very hard to meet. It is something which can very seldom take place. This strict approach was taken so that the husband of the woman, his mother or (another) wife or sister do not level undue accusations against her out of personal spite. It was also to check that other ill-wishing people do not get any chance to release their personal hostility by accusing her falsely. Testimony to *zinā* by less than four individuals renders their evidence invalid in which case the complainant and the witnesses may all be charged as liars and the *Hadd* of *Qadhf* (punishment for false accusation) becomes operative against them for having falsely accused a Muslim.

It has been very clearly said in Sūrah An-Nūr:

لَوْلَا جَاءُوا عَلَيْهِ بِأَرْبَعَةِ شُهَدَاءَ فَإِذْلَمْ يَأْتُوا بِالشُّهَدَاءِ فَأُولَئِكَ عِنْدَ اللَّهِ هُمُ
الْكَاذِبُونَ

which means that those who cannot produce four witnesses are liars.

Some revered elders, describing the wisdom behind the need to have four witnesses, have said that since this case involves two individuals, man and woman, this one single case comes, so to speak, under the purview of one rule for two cases. Since each case requires two witnesses, so four witnesses will be necessary in this case.

Towards the end of the verse, it is said that should they both repent and correct themselves, then, leave them. It means that, in case they have repented after punishment, they should not be disgraced and punished any more. It does not mean that the act of repentance has absolved them of the punishment because this repentance has been mentioned after punishment as obvious from the ramification of the letter *fā'* (literally, "then, turn away", which has been left as understood in the present translation). However, in case repentance has not been made, reproach is in order even after punishment.

No definite *Hadd* (punishment) has been described in these two

verses of the Holy Qur'ān. What has been said here is limited to "torture them" and "confine the fornicating women to their homes". No particular method of such "torture" has been described either, and this has been left to the discretion of the authorities. Sayyidnā Ibn 'Abbās رضى الله عنه says that torture here means that they should be verbally reproached and put to shame, as well as, given physical punishment such as hitting with hands and shoes ... This statement reported from Sayyidnā Ibn 'Abbās رضى الله عنه appears to be illustrative. The fact of the matter is that this whole thing has been left to the discretion of the authorities.

In the order of revelation, the injunction 'to torture' the adulterers came first, and it was later that the women guilty of adultery were ordered to be 'confined to their homes'. While giving this command, the Holy Qur'ān has mentioned two limits for the period of their confinement. The words used are: "Confine those women to their homes until death overcomes them or Allah prescribes a way for them". It means that such women shall be confined to their homes till their death, however, if Allah prescribes some other punishment for them while they are still alive, then that punishment will replace the punishment of confinement. That new (expected) punishment has been referred to in this verse as 'a way' prescribed by Allah. Later this 'way' as promised in this verse was prescribed and was revealed. Interpreting the word 'way' used in this verse, Sayyidnā Ibn 'Abbās رضى الله عنه says, يعنى (that is, stoning to death, for the married and lashing for the unmarried.) (al-Bukhārī, Kitāb al-Tafsīr, v.2, p. 657)

This "way" stands proved through clear statements of the Holy Prophet صلى الله عليه وسلم himself where the relevant injunctions for the married and the unmarried have been described separately. The Holy Prophet صلى الله عليه وسلم had pronounced the *Hadd* punishment of *zinā* in the case of Sayyidnā Mā'iz ibn Mālik رضى الله عنه and a woman from the tribe of Azd. Since both of them were married, they were stoned to death. In addition to that, a couple from among the Jews of Madinah was also stoned to death because of *zinā* and this judgment against them was pronounced on the authority of an injunction of Torah.

The injunction relating to the unmarried offender is mentioned in Sūrah al-Nūr of the Holy Qur'ān itself:

الرَّابَّةُ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِائَةَ جَلْدَةٍ

(The fornicator, woman or man, administer each one of them - a hundred lashes.) - (24:2)

A verse of the Holy Qur'an was also revealed earlier to cover the injunction of *rajm* (stoning to death), but its recitation was later on abrogated. However, the injunction itself was retained as operative.

Sayyidnā 'Umar رضى الله عنه has said:

إِنَّ اللَّهَ بَعَثَ مُحَمَّدًا بِالْحَقِّ وَأَنْزَلَ عَلَيْهِ الْكِتَابَ فَكَانَ إِذَا أَنْزَلَ اللَّهُ تَعَالَى آيَةً الرَّجْمِ رَجَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَرَجَمْنَا بَعْدَهُ وَالرَّجْمُ فِي كِتَابِ اللَّهِ حَقٌّ عَلَى مَنْ زَنَى إِذَا أَحْصَنَ مِنَ الرِّجَالِ وَالنِّسَاءِ (بخارى و مسلم - مشكوة ص

(۳۰۹)

(Surely, Allah sent Muḥammad صلى الله عليه وسلم with the truth and sent down to him the Book. Then, in what was revealed by Allah Almighty there was the verse of *Rajm*. The Holy Prophet صلى الله عليه وسلم stoned and we stoned after him and the revealed injunction of *Rajm* stands proved against every one who commits *zinā* despite being married, whether man or woman.) (al-Bukhārī, Muslim, as in *Mishkāṭ*, p. 309)

To sum up, the injunction of 'torturing' and 'confining to homes' which appears in these verses was abrogated after the subsequent revelation of the legal *Hadd* punishment of *zinā*, that is, one hundred lashes or *Rajm* will be mandatory. More details in this connection will, God willing, appear in the commentary on Sūrah al-Nūr

Homosexuality

The above discussion was based on the assumptions that both verses 15 and 16 relate to the fornication or adultery committed between men and women. However, some commentators of the Holy Qur'an, including Qāḍī Thanāullah Pānīpatī, are of the view that verse 16 refers to homosexual act committed between two males. Verse 16 is translated as follows:

"And those two of you who commit it (the shameful act), torture them both".

Here the Arabic word used for 'those two of you' is a masculine pronoun which presumes males on both sides. On this basis, these

commentators have opined that this verse relates to two males committing unnatural shameful act, i.e. homosexuality. The commentators, who take both verses as referring to fornication or adultery, refute this argument on the principle that in general usage masculine expressions include feminine also. Be that as it may, the possibility of a reference to homosexuality in this verse cannot be ruled out. Therefore, it is pertinent here to give some details about the severe prohibition of homosexuality. Here are some Traditions of the Holy Prophet صلى الله عليه وسلم and his noble Companions on this subject:

عن أبي هريرة رضى الله عنه أن رسول الله صلى الله عليه وسلم قال: لعن الله سبعة من خلقه من فوق سبع سموته وردد اللعنة على واحد منهم ثلاثاً ولعن كل واحد منهم لعنة تكفيه، قال: ملعون من عمل عمل قوم لوط، ملعون من عمل عمل قوم لوط، ملعون من عمل عمل قوم لوط، . (الحديث)

As narrated by Sayyidnā Abū Hurairah رضى الله عنه, the Holy Prophet صلى الله عليه وسلم said: "Allah has cursed seven types of his creatures from above the seven heavens. He has cursed one of them thrice, while has cursed the others one time which is enough for them. (About the one whom He has cursed thrice) He has said, "Cursed is he who did what the people of Lot did. Cursed is he who did what the people of Lot did. Cursed is he who did what the people of Lot did." (At-Targhib wat-Tarhib)

وعن أبي هريرة رضى الله عنه عن النبي صلى الله عليه وسلم قال: أربعة يصبحون فى غضب الله ويمسون فى سخط الله، قلت: من هم يا رسول الله؟ قال: المتشبهون من الرجال بالنساء والمتشبهات من النساء بالرجال، والذي يأتى البهيمة، والذي يأتى الرجال .

Sayyidnā Abū Hurairah رضى الله عنه reports that the Holy Prophet صلى الله عليه وسلم said: "Four types of people are, when they begin their day, under the wrath of Allah and when they reach their evenings they are under the rage of Allah." I asked: "Who are they, O Messenger of Allah?" He said: "Men who imitate women and women who imitate men and he who goes unto animals and he who goes unto men". (op. cit.)

وعن ابن عباس رضى الله عنهما قال: قال رسول الله صلى الله عليه وسلم : من وجدتموه يعمل عمل قوم لوط فاقتلوا الفاعل والمفعول به .

As narrated by Sayyidna Ibn 'Abbās رضى الله عنهما, the Holy Prophet صلى الله عليه وسلم said: "If you find someone doing what the people of Lot did, kill both the doer and the one with whom it is done. (op. cit.)

In At-Targhib wat-Tarhib cited above, Ḥāfiẓ Zakī al-Dīn has said that four caliphs, Sayyidnā Abū Bakr, Sayyidnā 'Alī, Sayyidnā 'Abdullāh ibn Zubayr and Hishām ibn 'Abdul-Malik رضى الله تعالى عنهم had condemned those guilty of sodomy to the fire. In this connection, he has also related, on the authority of Muḥammad ibn Al-Munkadir, an event to the effect that Sayyidnā Khālīd ibn Walīd رضى الله عنه wrote a letter to Sayyidnā Abū Bakr رضى الله عنه reporting that there was a man in a certain Arabian locality with whom they did what is done with women. Sayyidnā Abū Bakr رضى الله عنه called a meeting of the noble Companions, - Sayyidnā 'Alī رضى الله عنه being one of them. He said that a sin like that was not committed by any human group except one, and they all knew how Allah Almighty dealt with those people. He proposed that the man be condemned to fire. Other Companions concurred and Sayyidnā Abū Bakr رضى الله عنه decreed accordingly.

In the *Ḥadīth* narrations quoted above, the act of the people of Lūṭ has been repeatedly mentioned. The reference is to the people to whom Sayyidnā Lūṭ عليه السلام (Lot) was sent as their prophet. Apart from their disbelief in the Divine Message and the Messenger, and their ascribing all sorts of partners to Allah, they were also addicted to this abominably unnatural practice. When the preachings and teachings of Sayyidnā Lūṭ عليه السلام had no effect on them, the angels acted as commanded by Allah Almighty. They physically lifted the habitations of these people off the ground, then a flip upside down, and down they threw the whole thing back on the ground. Details will, *Inshāllāh*, appear in the Commentary on Sūrah al-A'rāf.

The *ḥadīth* narrations given above related to homosexual act. There are other narrations which carry the severest of warnings against indulging in the unnatural act (anal intercourse) with women:

عن ابن عباس رضى الله عنهما أن رسول الله صلى الله عليه وسلم قال:
لا ينظر الله عز وجل إلى رجل أتى رجلاً أو امرأة فى دبرها

Sayyidnā Ibn 'Abbās رضى الله عنه narrates that the Holy Prophet

سليمان عليه وسلم said: "Allah Almighty does not look (mercifully) at the man who commits anal intercourse with a man or woman."

عن خزيمة بن ثابت قال: قال رسول الله صلى الله عليه وسلم: ان الله لا يستحي من الحق، ثلاث مرات، لا تأتوا النساء في أدبارهن

Sayyidnā Khuzaimah ibn Thābit رضى الله عنه says that the Holy Prophet صلى الله عليه وسلم said : Allah does not get embarrassed by stating the truth. He said this thrice. Then, he said: "Do not go unto women anally."

وعن أبي هريرة رضى الله عنه أن رسول الله صلى الله عليه وسلم قال: ملعون من أتى امرأة في دبرها

Sayyidnā Abū Hurairah رضى الله عنه narrates that the Holy Prophet صلى الله عليه وسلم said: "Cursed is he who goes unto women anally." (At-Tarhib wat-Tarhib)

وعنه أن رسول الله صلى الله عليه وسلم قال: من أتى حائضاً أو امرأة في دبرها أو كاهناً فصدقه، فقد كفر بما أنزل على محمد صلى الله عليه وسلم.

He also narrates that the Holy Prophet صلى الله عليه وسلم said: "One who goes unto a woman in menstruation, or in her anus or goes to a soothsayer (*kāhin*) and accepts his statement relating to the unknown, then, such people have rejected what was revealed to Muḥammad صلى الله عليه وسلم."

As for a fixed punishment for this evil act, there is a difference of opinion among Muslim jurists, details of which are available in books of *Fiqh*. Nevertheless, the nature of such punishments reported by them is as severe as it can be, such as, burning into fire, bashing under a wall felled over, throwing down from a height, stoning and beheading with a sword.

Verses 17 - 18

إِنَّمَا التَّوْبَةُ عَلَى اللَّهِ لِلَّذِينَ يَعْمَلُونَ السُّوءَ بِجَهَالَةٍ ثُمَّ يَتُوبُونَ مِنْ قَرِيبٍ فَأُولَئِكَ يَتُوبُ اللَّهُ عَلَيْهِمْ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا ﴿١٧﴾ وَلَيْسَتِ التَّوْبَةُ لِلَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ

حَتَّىٰ إِذَا حَضَرَ أَحَدَهُمُ الْمَوْتُ قَالَ إِنِّي تُبْتُ الْإِسْلَامَ وَلَا الَّذِينَ
يَمُوتُونَ وَهُمْ كُفَّارٌ أُولَٰئِكَ أَعْتَدْنَا لَهُمْ عَذَابًا أَلِيمًا ﴿١٨﴾

The relenting taken by Allah upon Himself if for those who do evil in ignorance then repent shortly there after. So, Allah relents towards them. And Allah is All-Knowing, All-Wise. [17]

And the relenting is not for those who do the evil deeds until when the time of death approaches one of them, he says, "Now I repent", nor for those who die while they are still disbelievers. For them We have prepared a painful punishment. [18]

Repentance was mentioned in the previous verse. Now, given in the present two verses are conditions under which repentance is or is not accepted.

Commentary

Repentance from a deliberate sin

At this point, it should be noted that the Holy Qur'an has used the words "in ignorance" which apparently gives an impression that the repentance may be accepted when a sin is committed unintentionally and unknowingly. But if it is committed deliberately, it will not be acceptable. However, according to the explanation of this verse given by the noble Companions, may Allah be pleased with them all, the word, "*jahālah*" (ignorance) here does not mean that a sinning person is not aware of a sin as sin, or has no intention or volition to commit a sin. Instead, it means that it was the insensitivity and heedlessness of a person towards the evil end of sin and its ultimate punishment which became the cause of his audacity to venture into sin, even though he knew a sin as sin, and had approached it with intention and volition as well.

In other words, the word, "*jahālah*" or ignorance used here is in the sense of carelessness or stupidity. This is supported by an evidence in Sūrah Yūsuf. Sayyidnā Yūsuf عليه السلام (Joseph) had said to his brothers: مَلْ عَلِمْتُمْ مَآ فَعَلْتُمْ بِيُوسُفَ وَأَخِيهِ إِذْ أَنْتُمْ جَاهِلُونَ Here the brothers have been called, "*jāhilūn*", the ignorant ones, although what they did was not the outcome of any error or forgetfulness but they had done that know-

ingly and with full deliberation. Yet, it is because of their heedlessness towards the evil end of their act that they have been called "*jāhil*" (ignorant).

Abū al-Āliyah and Qatādah report that the noble Companions, may Allah be pleased with them all, agreed that كل ذنب أصابه عبد فهو جهالة عمدا كان أو غير , that is, 'any sin committed by a servant of Allah is, anyway, an act of ignorance, be it deliberate or otherwise.'

The master of exegesis, Mujāhid said: كل عامل بمعصية الله فهو جاهل حين عملها "Every one who is doing anything in disobedience to Allah is, for that matter, ignorant while doing it," even though, on the outside, he may appear to be a person of great learning. (Ibn Kathīr)

In his Tafsīr, al-Baḥr al-Muḥīṭ, Abū Ḥayyān has said: "This is just like what has been reported in a *ḥadīth* لا يزنى الزاني وهو مؤمن - , that is, 'a person who commits *zinā* (adultery) will not be doing so while in a state of being a true Muslim.' It means that the time when he succumbed to the temptation of this evil act, that was the time when he was flung far off from the demand of his faith. For this reason, Sayyidnā 'Ikrimah said : امور الدنيا كلها جهالة , that is, 'everything one does in this mortal world - outside the framework of obedience to Allah - is ignorance.' The logic is very obvious since the person disobeying Allah is preferring short-lived pleasures over those ever-lasting; and, anyone who takes the punishment which will last for ever and ever in exchange for this short-lived series of pleasures cannot be called rational, sensible or smart. Such a person would be universally termed as ignorant, even if he knows the evil of his act and has all the intention and resolve to go ahead with it.

The gist of the discussion so far is that the sin that a man commits, deliberately or mistakenly, gets committed due to nothing but '*jihālat*' or ignorance. Therefore, there is a consensus of the entire Muslim *ummah* on the principle that the repentance of a person who commits some sin deliberately can also be accepted. (al-Baḥr al-Muḥīṭ)

Incidentally, there is another point worth attention in the present verse which prescribes a condition for the acceptance of repentance - that one should repent soon without delaying it. The Qur'ānic words are: "Shortly thereafter." What does "shortly" signify and how much

time will come within the limit of "shortly"? The Holy Prophet ﷺ has himself explained this in a *ḥadīth* in the following words: **إِنَّ اللَّهَ يَقْبَلُ تَوْبَةَ الْعَبْدِ مَا لَمْ يُغْرَضِ**. The *ḥadīth* means that Allah Almighty accepts the repentance of His servant until the time he passes into the throes of death and his soul struggles to get out of his rattling throat.

Muḥaddith Ibn Marduwayh has narrated from Sayyidnā 'Abdullāh ibn 'Umar رضى الله عنه that he heard the Holy Prophet صلى الله عليه وسلم saying: 'A believing servant of Allah who repents from his sin a month before his death, or repents a day or a moment earlier, Allah Almighty shall accept his repentance, the condition being that the repentance should be genuine and sincere. (Ibn Kathīr)

In short, the explanation of "*min qarīb*" (shortly thereafter) given by the Holy Prophet صلى الله عليه وسلم himself tells us that virtually man's whole life-time comes under "*qarīb*" and, as such, any repentance which is offered well before death shall be acceptable. However, the repentance made by man while in throes of death is not acceptable. Maulānā Ashraf 'Alī Thānavī in his Tafsīr Bayān al-Qur'ān, has elaborated the subject by saying that man faces two conditions when close to death. Firstly, there is the condition of utter hopelessness when all medicines and efforts fail and man comes to realize that death is round the corner. This is known as the state of "بأس" i.e., conscious suffering. The second condition relates to what comes after, that is, when the pangs of the departure of human soul begin and the fated time of *ghargharah* (the onomatopoetic rattling sound emerging from the throat, a herald of approaching death) comes close. This is known as the state of **يأس** i.e., total despair. The first condition, that is, the condition of conscious suffering comes within the sense of "*min qarīb*" and the repentance made at that time is accepted; but, the repentance in the second condition, that is, the condition of total despair, is not acceptable, for this is a condition when the angels and things belonging to the Hereafter may start appearing before the dying person, and they are not included in the sense of "*min qarīb*".

This explanation given by the Holy Prophet صلى الله عليه وسلم has been pointed out by the Holy Qur'ān itself in the following verse (i.e. verse 18) where it is expressly mentioned that repenting, after the sure signs of death are visible, is not accepted.

So, in the light of this explanation the addition of "*min qarīb*" (shortly thereafter) in this verse serves to indicate that the very life-span of man is limited in time, and death, which he may think is far away, may actually be quite near.

"Relenting taken by Allah upon Himself" is a form of promise the fulfillment of which is certain. Otherwise the truth is that Allah Almighty does not necessarily owe anything to anyone.

The second verse (18) describes those whose repentance is not acceptable with Allah, those who fearlessly go on committing sins throughout their entire lives yet, when death stands on their head and the withdrawal of their soul is set in motion and the angels of death start becoming visible, they start offering repentance. How could their repentance become acceptable when they kept running wild with their lives and wasted all opportunities of repenting while there was still time to repent. This is very much like Pharaoh and his people who called out while drowning that they were ready to believe in the Lord of *Mūsā* (Moses) and *Hārūn* (Aaron). Naturally, they were told that their declaration of faith at that time was of no consequence, because the time set for it was all over.

The same thing has been pointed out in the last sentence of the verse which says that Allah also does not accept the repentance of those who die while they are still disbelievers. What is the worth of a declaration of faith right in the middle of one's match with death facing the pangs of the withdrawal of the soul from the body? This confession or this declaration of faith is out of tune with the time and quite worthless now as their punishment stands prepared for them.

What is repentance?

After the literal explanation of these two verses, it seems necessary to define *Taubah* or repentance and determine its real nature and status. In his 'Iḥyā' al-'Ulūm, Imām al-Ghazālī has identified three different situations with regard to committing sins:

The first state is that of total sinlessness, that is, no sin has ever been committed. This is either the hallmark of angels or that of the prophets, may peace be on them. The second stage of getting involved in sin comes when one takes the initiative and ventures into sin and then repeats and persists with it, never feeling ashamed or regretful

and never thinking of stopping and abandoning it. This is the degree of the satans and the devils. The third station belongs to human beings, the children of Adam who, immediately after having committed a sin, regret it and resolve firmly not to go near it in future.

This tells us that failing to repent after committing a sin is the style of devils exclusively. Therefore, it is the consensus of the entire Muslim *ummah* that *Taubah* is obligatory. The Holy Qur'an says:

يَا أَيُّهَا الَّذِينَ آمَنُوا تَوْبُوا إِلَى اللَّهِ تَوْبَةً نَّصُوحًا عَلَىٰ رَبِّكُمْ أَن تُكْفِرَ عَنْكُمْ
سَيِّئَاتِكُمْ وَيُدْخِلَكُمُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ

(O those who believe, repent before Allah, a sincere repentance; may be your Lord removes from you your sins and admits you to gardens beneath which rivers flow.) (66:8)

How generous is the mercy of our Lord! A man spends a whole life-time in disobeying Him. Nevertheless, when he repents sincerely before his death, not only his sins are forgiven, but he receives much more when he is admitted into the circle of favoured servants of Allah and made an inheritor of Paradise.

In a *hadith*, the Holy Prophet صلى الله عليه وسلم has been reported to have said: *اَلْكَاتِبُ حَبِيبُ اللّٰهِ وَالتَّائِبُ مِنَ الذَّنْبِ كَمَنْ لَا ذَنْبَ لَهُ* that is, 'one who repents from sin is loved by Allah and one who has repented from sin is like one who had never committed a sin.' (Ibn Mājah)

According to some narrations, if a servant of Allah repents from a sin and his repentance finds acceptance with Him, he is not only absolved from having to account for it, but the very record in writing posted by the angels is erased out from his book of deeds so that he may not be disgraced either.

However, what is necessary is that the repentance is genuine and is offered in sincerity. This repentance stands on three pillars. Firstly, one should regret over and feel ashamed about what he or she has done. According to *hadith*, *إِنَّمَا التَّوْبَةُ النَّكَمُ*, that is, '*Taubah* is (another name of) remorse'. Secondly, one should immediately leave off the sin he has committed and he should, for the future too, firmly resolve to stay away from it. Thirdly, one should think of making amends for what has gone by, that is, he should try to take measures to rectify what

has happened in sin to the best of his ability. For example, if he has missed a prayer or a fast, he should make up for it by doing what is known as *qada* (compensatory worship). If one does not remember the correct number of such missed prayers and fasts, he should think, calculate and come to an estimated number and then go on to offer *qada* for these in all seriousness. If one finds it impossible to do so all at one time, he could offer, with each *ṣalāh* due at its time, one *qada* of each *ṣalāh* he missed throughout his life, which is commonly known as '*umrī qada*'. In the same way, one should do his best to make up, as and when convenient, for obligatory fasts he missed by offering *qada* fasts. May be one has not paid the obligatory *zakāh* due on him; he should, then pay the *zakāh* due on him for previous years as well, paying it all or paying it gradually. God forbid, if one has usurped someone's right, he should return it back to him and if he has hurt someone, he should seek his forgiveness. But, should it be that one does not regret what he has done, or, despite being regretful, he does not leave off that sin for future, then, this repentance is no repentance even though it may be said a thousand times, as so delightfully put in verse by a Persian poet:

توبه بر لب سبحة بر کف دل پُر از ذوق گناه
معصیت را خنده می آید از استغفار ما
Repentance on the lips, rosary in hand
and a heart full of the taste of sin
Sin laughs at my style of seeking forgiveness!

The point being made here is that man, once he repents as stated earlier, and despite having been in all sorts of sins, becomes a servant dear to Allah. And should it ever be that, out of human weakness, one does fall into sin yet another time, he should immediately renew his repentance in the fond hope that this time, like every other time, Allah Almighty shall, being Most-Forgiving, relent towards him. Let me conclude with yet another Persian couplet which says:

این درگاه ما درگاهِ نومیدی نیست صد بار اگر توبه شکستی باز آ
This is the Court of My Presence,
not the Court of Despair.
Even if you have broken (the promise in) your repentance
a hundred times, come again!

Verses 19 - 21

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهَاءَ وَلَا
تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ
بِفَاحِشَةٍ مُبِينَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ
فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴿١٩﴾
وَإِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَكَانَ زَوْجٍ وَآتَيْتُمْ إِحْدَهُنَّ قِنْطَارًا
فَلَا تَأْخُذُوا مِنْهُ شَيْئًا أَتَأْخُذُونَهُ بُهْتَانًا وَإِثْمًا مُبِينًا ﴿٢٠﴾
وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذْنَ مِنْكُمْ
مِيثَاقًا غَلِيظًا ﴿٢١﴾

O those who believe, it is not lawful for you that you should forcibly take women as inheritance. And do not hold on to them so that you may get away with some of what you have given them, unless they commit a clearly shameful act. And live with them in the recognized manner. And if you dislike them, then it is quite likely that you dislike something and Allah has placed in it a lot of good. [19]

If you want to take a wife in place of the one (you have), and you have given her a lot, then do not take back anything from it through imputation and open sin? [20]

And how can you take it when you have had access to each other and they have taken a firm covenant from you. [21]

Sequence of verses

Repentance was mentioned in the previous verses in proportion to the related requirement of the text. Before this, there was a series of injunctions pertaining to women. The present verses too carry some more imperatives against the excesses suffered by women at the hands of their husbands, even heirs. Details appear in the Commentary.

The aim is to correct such social disorders. It may be noted that husbands have been particularly addressed in *عَاشِرُوهُنَّ* (live with them).

Verses 20 and 21 conclude the subject.

Commentary

Women before Islam: Eradication of Injustices

Given in these three verses are steps taken to eliminate injustices to which women were commonly subjected:

1. The most glaring of these was that men used to act as owners of the life and property of women, so much so, that a woman taken in marriage was passed on as a piece of property after her husband's death, on to his heirs. They were considered as the new owners and inheritors of the property, plus the wife. They could, if they wished to, marry her or give her in marriage to somebody else against payment. The son of the husband from another wife could himself marry her after the death of his father. When a living human being has been taken as an article of ownership, what would have happened to the normal property is all too obvious. This one basic social ill became the cause of hundreds of other unjust practices against women, some of which are pointed out below:

(a) If a woman received some property in inheritance or some gift from her parents, the poor thing stayed deprived of it. Everything received in her name was devoured by men at her husband's home.

(b) If, somehow the woman did come in possession of her share of the property, men would prevent her from remarrying so that she could not take her share out of the house - they wanted her to die right there where she was, leaving her property which they could possess after her.

(c) In some places there was the practice that if the husband did not like his wife because of whimsical factors and not because of any shortcoming of the wife, then, while he skipped relating to her as his wife, did not get rid of her by giving her a divorce. This was to harass her to the limit that she was forced to give him back the jewellery and dower money he had given her; or, if he had not yet given these as due, he expected that she would forgo her claim before she could hope to be released. There were situations when the husband, despite having divorced her would not let the divorced wife remarry so that she breaks up and returns to him the amount of dower he had given her,

or forgoes the dower still unpaid.

(d) On occasions, following the death of her husband, his heirs would not let the widow remarry. They would do so either to satisfy their false sense of prestige, or to let her go only after they get something for themselves in the deal.

As said earlier, all these injustices were perpetrated on the basis of the central assumption that man owned not only the property but also the very life of the woman. The Holy Qur'an struck at the very root of this evil which produced other injustices and openly declared:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا

O those who believe, it is not lawful for you that you should forcibly take women as inheritance.

The word "forcibly" does not appear here as a condition which would have given the impression that their becoming owners of women with the later's approval was all right, but this restriction has been introduced here as a statement of fact. It means that taking over the charge of the life and property of women as self-appointed owners without any legal or rational basis whatsoever could, obviously, be only "forcibly". How could a woman, in her normal senses, ever agree to such a proposition? (al-Bahr al-Muhīt). This is why the Shari'ah of Islam does not accept her approval in this matter as effective. If any woman, so out of her mind, approves of being owned by somebody, the Islamic law is not willing to concede this position.

The common method of preventing injustice and disorder would be to use a prohibitive order, but the Holy Qur'an has avoided this common method at this place and has expressed the element of prohibition by negating the lawfulness of this act by saying: لَا يَحِلُّ لَكُمْ, 'it is not lawful for you'. Here, in addition to stressing upon the severe sinfulness of this matter, the purpose may also be to indicate that, should it be that someone does go on to marry an adult woman without her consent and permission, the marriage thus entered into shall not be lawful and, in fact, it is null and void. Being totally *non-sequitur*, no husband-wife relationship between the man and woman gets established from such a marriage, nor do the injunctions of inheritance or lineage follow from it.

Similarly, if someone forces a woman and takes back the dower he had given her, or compels her to forgo the outstanding dower, this forced return or forgiveness is not valid in the sight of the Sharī'ah. Money or property taken in this manner do not make them lawful for the man, nor does it cause any due right to be forgiven. This subject has been further clarified in: **وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ**.

It means: 'Do not prevent women from marrying at their choice with the intention of taking back what you, or a relative, have already given to them as dower or gift.' So, the giving and the taking back of dower is inclusive of the incidence of making the woman forgive the dower the payment of which is due, fixed and agreed upon. Whether one forces the woman to return the dower amount already paid or forces her to forgo the dower still outstanding, both are impermissible and patently *ḥarām* (forbidden). Similarly, whatever has been given to the wife as gift, or something of which she has become the 'owner', cannot be taken back by the husband, or the heirs, for it is not lawful for them to do so. However, this rule applies only to a situation where anything has been assigned to her as an owner. If something was given to her for a temporary use, like jewellery or any other article, not making her the owner of it, then, that simply does not enter into the 'ownership' of the wife and, therefore, asking for their return is not forbidden.

The text, after that, by saying: **إِلَّا أَنْ يَأْتِيَنَّهَا فَاَحْشَةٌ مُّبِينَةٌ**, exempts some such situations under which it becomes permissible for the husband to take back what he has given, including the dower. It means that should the woman commit an act which is clearly shameful and which naturally compels the man to divorce her, then, this will be a situation in which it does not matter if the husband holds back the word of divorce until such time that the woman returns the dower he had given her or forgoes the outstanding dower, if that is the case.

According to Sayyidnā Ibn 'Abbās رضى الله عنه , Sayyidah 'Ā'ishah رضى الله عنها and Ḥaḍrat Ḍaḥḥāk رحمه الله and others, the word, "*fāḥisha*" (translated as 'a shameful act') here means disobedience to the husband and indecent abuses against him; while, Abū Qilābah and Ḥasan al-Baṣrī رحمه الله take it to mean immodesty and adultery in this particular place. Thus, the sense would come to be: If these women

happen to commit some shameful act or they behave disobediently and vituperatively which forces the husband to think of a divorce, then, this being a fault of the woman, the husband has the right to hold her in the bond of marriage, until he receives back what he had given her, or has the outstanding dower forgiven by her.

The next two verses (20, 21) also enlarge upon this subject. Here it has been said that, should it be that the woman has just not shown any contumacy or immodesty, but the husband, following his own physical desire and pleasure, intends to marry another woman in her place, then again it will not be permissible for him to claim anything from her in exchange of divorce, even though he had given her a lot of wealth. Similarly, it will not be allowed for him to force her to forgo the dower due against him. This is because there is no fault of the woman and the cause which makes the dower due and payable has been vacated, that is, they have been married and have had their privacy with each other. Now, the husband has no right to take back what he has given her or make her forgo the dower.

That the taking back of this amount is an injustice and sin has been later on described in three stages.

First, it was said: **أَتَاخُذُونَهَا بِهَتَانَا وَإِنَّمَا مِثْنَا** that is, 'do you want to take it through imputation and an open sin?'

This sentence refers back to the previous verse (19) where it was laid down that the husband has no right to take back the dower from his wife except when she has committed a shameful act. On the basis of this principle the present verse (20) says that if you take back the dower from your wife, it will mean that you are imputing her for a shameful act, because it is the only situation where your claim may be rightful. Since your wife has not committed a shameful act, your claim to the dower is a false imputation which is an open sin.

Secondly, in the following sentence in verse 21, it was said: **كَيْفَ تَأْخُذُونَهَا وَقَدْ أَقْبَضْتُمْ إِلَى بَعْضِ** that is, how can you now take back what you had given her when not only the marriage has been solemnized, but you have also had access to each other in privacy? For, in this situation, whatever has been given, if against dower, the woman certainly deserved it. She now owns it because she surrendered herself to her

husband. The idea that it could be returned is senseless. Even if this money or property given by the husband was presented or gifted, even then, it is not possible that it could be returned because what a husband and wife give to each other as gift cannot be taken back. Such claim of its return is neither permissible in Shari'ah, nor is it legally enforced. So, marital bond prevents the taking back of what has been given as gift.

The same subject has been stated in the last sentence of verse 21: واخذن منكم ميثاقا غليظا (and they have taken a firm covenant from you). This 'covenant' is the bond of marriage which is solemnly attested to with the name of Allah before a gathering of people following a *khutbah*.

To sum up, once this marital covenant has been made and mutual privacy has brought the couple close together, to force the woman to return what was given to her is open injustice and tyranny. All Muslims must abstain from it.

Verses 22 - 24

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ ۚ إِنَّهُ
كَانَ فَاحِشَةً وَمَقْتًا ۚ وَسَاءَ سَبِيلًا ﴿٢٢﴾ حُرِّمَتْ عَلَيْكُمْ
أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ
الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمْ الَّتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِّنَ
الرِّضَاعَةِ وَأُمَّهُنَّ نِسَائِكُمْ وَرَبَائِبُكُمْ الَّتِي فِي حُجُورِكُمْ مِّنْ
نِّسَائِكُمُ الَّتِي دَخَلْتُمْ بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا
جُنَاحَ عَلَيْكُمْ ۚ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ ۚ وَإِنْ
تَجَمَّعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ ۚ إِنَّ اللَّهَ كَانَ غَفُورًا
رَّحِيمًا ﴿٢٣﴾ وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ
كَتَبَ اللَّهُ عَلَيْكُمْ وَإِجْلَ لَكُمْ مَّا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا
بِأَمْوَالِكُمْ مُّحْصَنِينَ غَيْرَ مُسْفِحِينَ ۚ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ
فَاتُوهُنَّ أَجُورَهُنَّ فَرِيضَةً ۚ وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ

بِهِ مِنْ بَعْدِ الْفَرِضَةِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿٢٤﴾

And do not marry those of women whom your fathers had married except what has passed. It is indeed shameful and detestable, and it is an evil practice. [22]

Prohibited for you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, daughters of brother, daughters of sister, your mothers who suckled you, your sisters through suckling, mothers of your wives and your step-daughters under your care who are born of your women with whom you have had intercourse - but if you have not had intercourse with them, then there is no sin on you. And the wives of your sons from your loins, and that you combine two sisters (in wedlock), except what has passed. Surely, Allah is Most-Forgiving, Very-Merciful.[23]

(And also prohibited are) the women already bound in marriage, except the bondwomen you come to own. It has been written by Allah for you. All except them have been permitted for you to seek (to marry) through your wealth, binding yourself, (in marriage) and not only for lust. So, whoever of them you have benefited from, give them their due as obligated. And there is no sin on you in what you mutually consent to after the (initial) settlement. Surely, Allah is All-Knowing, All-Wise. [24]

The present verses are an extension of the description of evil practices common in *Jāhiliyyah* which have been taken up earlier. A detailed discussion appears in the Commentary.

Commentary:

These verses give details of *muḥarramāt*, that is, women with whom marriage is prohibited. Some of them are prohibited for ever, never becoming lawful under any condition. Some are not permanently prohibited. They become lawful under some particular circumstances.

There are three kinds of permanently-prohibited women referred to in the first category. They are those by kinship, by fosterage and by relationship through marriage, and are permanently prohibited. The kind mentioned at the end remains prohibited until they are bound in marriage with someone else.

An explanation of the verses follows with relevant part of the verse appearing in the lead:

لَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ (And do not marry those of women whom your fathers had married) (verse 22): During the days of *Jahiliyyah*, people had no qualms when they went ahead and married the wife of their father after his death. In this verse, Allah Almighty has prohibited this shameful practice; an evil which invites His wrath. How can someone keep calling a woman his mother for a long time and yet stoop so low as to make her his wife after the death of the father?

Ruling:

1. Marrying the legally wedded wife of the father has been declared unlawful in this noble verse. There is no restriction here to indicate marital consummation by the father. So, the fact that the father has married a woman is enough to forbid the son from entering into marriage with that woman. It will never be lawful. Similarly, it is not correct for the father to marry the wife of his son, even if the marriage of the son is limited to formal '*nikāh*' and his wife has not yet come to live with him. (Ibn 'Abidīn)

2. If the father has fallen into illicit relations with some woman, even then it will not be permissible for the son to marry that woman.

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ (Prohibited for you are your mothers): It means that it is unlawful to marry one's own mother and the word, "*ummahātukum*" (your mothers), includes all grandmothers, paternal or maternal.

وَبَنَاتُكُمْ (and your daughters) means that it is unlawful to marry one's own real daughter, and the daughter of the daughter, and the daughter of the son.

In short, marrying a daughter, grand-daughter, great-grand-daughter; maternal grand-daughter, great-grand-daughter is all unlawful. As for marrying a step-daughter, from a different husband, whom the wife has brought with her, there are details which will appear later. As regards the son or daughter who are not real but have been adopted, it is permissible to marry them or their offspring, subject to the provision that such marriage is not unlawful due to some other consideration. Similarly, if a person fathers a daughter by

indulging in *zinā* with a woman, the girl thus born will be governed by the rule which applies to a daughter and marriage with her too will not be correct.

وَآَخَوَاتُكُمْ (and your sisters): Marrying one's own real sister is unlawful, as well as marrying an '*allātī*' sister (half-sister from the same father but different mother), and also marrying an *akhyāfī* sister (half-sister from the same mother but different father).

وَعَمَّتُكُمْ (and your paternal aunts): Marriage with the real sister of one's father, his half-sister from their father's side and his half-sister from their mother's side is unlawful. It means that one cannot marry any paternal aunt from the three kinds described above.

وَحَلَائِكُمْ (and your maternal aunts): Marriage with a sister of one's mother, whether real (*ḥaqīqī*) or half-sister from their father's side ('*allātī*') or half-sister from their mother's side (*akhyāfī*), is unlawful.

وَبَنَاتُ الْأَخِ (and daughters of brother): It means that marriage with one's nieces is also unlawful, whether they be *ḥaqīqī*, '*allātī*' or *akhyāfī*. Marriage with the daughters of all three types of brothers, real or half, as given above, is not lawful.

وَبَنَاتُ الْأُخْتِ (and daughters of sister): It means that marriage with one's maternal nieces is also unlawful, whether the sisters be *ḥaqīqī* or '*allātī*' or *akhyāfī*. The daughters of such sisters cannot be taken in marriage.

وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ (and your mothers who suckled you): This refers to women who, even though they are not the real mothers, are treated in Shari'ah like mothers in the sense that marriage with them is as prohibited as with one's real mother. The quantity or the frequency of feed makes no difference; the said unlawfulness stands established under all eventualities. Muslim jurists refer to this as the unlawfulness through fosterage.

However, it is necessary to remember that this unlawfulness through fosterage gets established when suckling takes place at a time which is the usual time for it during childhood. The Holy Prophet ﷺ has said: "إِنَّمَا الرَّضَاعَةُ مِنَ الْجُوعِ": Fosterage is only from hunger" which means that the unlawfulness that becomes established through suckling shall come into effect only when suckling has taken place at a

time when the child has no other option but to suckle and grow through it. (al-Bukhārī and Muslim)

According to Imām Abū Ḥanīfah, this period ranges between the birth of the child and when he or she is two and a half years old. According to other Muslim jurists which includes his special disciples, Imām Abū Yūsuf and Imām Muḥammad رَحِمَهُمَا اللهُ تَعَالَى the period of suckling is two years only, therefore, if a boy or girl suckles at the breast of a woman after the age of two years, the prohibition of marriage due to fosterage will not come into affect.

وَأَخَوَاتِكُمْ مِّنَ الرِّضَاعَةِ (and your sisters through suckling): It means that marriage with sisters related through the bond of fosterage is also unlawful. Going in details, it works out that a woman who suckles a boy or girl during the days of suckling becomes their foster-mother, and her husband becomes their foster-father, and the offspring of that woman become his brothers and sisters, and the sisters of that woman become their maternal aunts, and the elder and younger brothers of her husband become the foster-uncles of these children, and the sisters of the husband of that woman become the paternal aunts of these children; and thus, in between all of them, the relationship of fosterage resulting in prohibition of marriage is established. The marriage which is mutually unlawful as based on the relation of kinship becomes equally unlawful as based on the relation of suckling. The Holy Prophet صلى الله عليه وسلم has said: يَحْرِمُ مِنَ الرِّضَاعَةِ مَا يَحْرِمُ مِنَ الْوَلَادَةِ (Bukhārī) (That which becomes unlawful by kinship becomes unlawful by fosterage). Another narration from the *Ṣaḥīḥ* of Muslim as in Mishkāṭ, page 273, says: إِنَّ اللَّهَ حَرَّمَ مِنَ الرِّضَاعَةِ مَا حَرَّمَ مِنَ النَّسَبِ (Surely, Allah has prohibited through fosterage what He has prohibited through kinship.)

Rulings:

1. If a boy and a girl were suckled by a certain woman, the two of them cannot be married to each other. Similarly, marriage with the daughter of a foster-brother and foster-sister is also not possible.

2. Marriage with the lineal mother of foster-brother and foster-sister is permissible. It is also lawful to marry the foster-mother of the lineal sister of foster-sister; and the foster-sister of the lineal sister.

3. The unlawfulness of marriage becomes established if the feed is

received by the child during the days of suckling either through the mouth, or the nose. Should it be that the feed is given to the child by any other inlet, or it is injected in, then, the unlawfulness of fosterage will not come to be established.

4. No feed other than the feed from the woman suckling the child (for example, milk from animals or male humans), establishes fosterage.

5. If the feed is mixed in medicine or in milk from a goat, cow or buffalo, the unlawfulness of marriage as based on suckling shall be established only when the quantity of the woman's feed measures more, or when it is at least equal. But, if the woman's feed is less than that, this unlawfulness shall not come to be established.

6. If male mammalian glands happen to lactate, it does not go on to prove the unlawfulness of marriage from suckling.

7. If a woman lets a child mouth her nipple, but there is no certainty that the child has sucked the feed in, then this will not establish the unlawfulness through suckling and it will not affect the lawfulness of marriage, because the prohibition of marriage is not established where actual suckling is doubtful.

8. If a man marries a certain woman while some other woman claims that she has suckled both of them, then, should both of them confirm it, it will be decided that the marriage was incorrect. However, should both of them reject the claim it will not be mandatory on the spouses to vacate the marriage, however, if the woman appears to be God-fearing and a practicing Muslim, it is preferable for the spouses to opt for separation through divorce.

9. The witness of two practicing Muslims is necessary in order to prove unlawfulness through suckling. This will not be proved by the witness of one man or one woman. But, since this is a very serious matter involving the whole life being *ḥalāl* or *ḥarām* a precautionary attitude will always be advisable. Therefore, some Muslim jurists have ruled that if one intends to marry a woman, and only one practicing Muslim testifies that they are foster brother and sister, it will not be permissible for them to contract marriage. And if the evidence of one witness, male or female, comes forth after they have married each

other, even then, it will be safe and prudent for them to opt for voluntary separation.

10. According to the recognized rules of evidence, the testimony of one man and two women is equal to that of two male witnesses. Therefore, even if one man and two women testify the fact of suckling, the foster-relationship will stand proved.

وَأُمَّهَاتُ نِسَائِكُمْ (and the mothers of your wives): Also unlawful to husbands are the mothers of their wives. Here too, the word, "ummahāt" includes all grandmothers of wives, maternal, paternal, lineal or foster.

Ruling:

1. Just as the mother of a legally wedded wife is unlawful, very similarly, equally unlawful is the mother of a woman with whom one has slept assuming her to be his wife, (while, in fact, she was not his wife) or with whom *zinā* (adultery) has been committed, or who has been touched lustfully.

2. The initial bond or marriage, in itself, renders the mother of one's wife unlawful for him. It means that even if the husband has never slept with his wife, her mother is still unlawful for him to marry.

وَرَبَائِبُكُمُ الَّذِينَ فِي حُجُورِكُمْ مِّنْ نِّسَائِكُمُ الَّذِينَ دَخَلْتُم بِهِنَّ (and your step-daughters under your care who are born of your women with whom you have had intercourse): When one marries a woman and sleeps with her after the marriage, the daughter of that woman from another husband becomes unlawful for him, and so do her grand-daughters, both paternal and maternal. Marriage with them is not permissible. But, if the husband has not yet slept with his wife and has divorced her after the contract of marriage, then her daughter or grand-daughter will not be unlawful for him. But, following *nikāh*, if one touches his wife lustfully, or looks at her private part with sexual desire, then this too, will be taken as having sex with her, therefore, it will make the daughter of that woman unlawful.

The words "your women" used in this context are general. Therefore, it is not the legally wedded wife only whose daughters are unlawful for the husband, but the same rule applies to a woman who

is not really wedded to the person, but he has had sexual intercourse with her either under the wrong impression that she is his wife, or in adultery. The daughter and grand-daughter of such women will also become unlawful for him.

وَحَلَائِلُ أَبْنَانِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ (and the wives of your sons from your loins): The wife of one's own son is unlawful, and the universality of 'son' includes grandsons, paternal or maternal. So, marriage with their wives shall not be permissible.

مِنْ أَصْلَابِكُمْ (from your loins): This particular restriction is used here to exclude the adopted son. Marriage with his wife is lawful. As far as a foster son is concerned, he is governed by the rule which governs the lineal son, therefore, marriage with his wife too is unlawful.

وَأَنْ تَحْمِلُوا بَيْنَ الْأُخْتَيْنِ (and that you combine two sisters in wedlock): Also unlawful is the combining of two sisters in the bond of marriage. They may be real sisters or half sisters from the father's side or sisters from the mother's side (*ḥaqīqī*, *allātī*, *akhyāfī*). They may be sisters by lineage or sisters by fosterage. This rule covers all of them. However, when one sister has been divorced it is permissible to marry another sister, but this permissibility becomes effective only after the period of 'iddah has expired. Marriage during 'iddah is not permissible.

Rulings:

1. Just as one cannot combine two sisters in his marriage, it is also unlawful for him to combine a paternal aunt and her niece, and a maternal aunt and her niece. They too cannot be combined in marriage with any one person. As reported in al-Bukhārī and Muslim, the Holy Prophet صلى الله عليه وسلم has said:

لَا يُجْمَعُ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا وَلَا بَيْنَ الْمَرْأَةِ وَخَالَتِهَا (بخارى ومسلم)

Do not combine a woman with her paternal aunt, nor a woman with her maternal aunt

2. Muslim jurists have mentioned the general principle that any two women, out of whom, if one was supposed to be a male, then, their marriage with each other would turn out to be incorrect according to Islamic law, thus two women of this kind cannot be combined in marriage with one man.

إلا ما قد سلف (except what has passed): It means that whatever has been the practice during *Jāhiliyyah* will not be called to account. These words have also appeared in verse 22. There too, the meaning is the same, that is, that which came to pass during *Jāhiliyyah* has passed. Now that Islam has been embraced, past deeds will not be taken into account, but it is necessary to abstain from them in future.

In the same way, it is necessary at this time of the revelation of what was unlawful that separation be made if one holds the wife of his father, or two sisters, in marriage. In the case of two sisters, it is compulsory that one sister be separated.

As narrated by the blessed Companion, Sayyidnā Barā , Ibn 'Āzib, the Holy Prophet صلى الله عليه وسلم had sent Sayyidnā Abū Burdah ibn Niyar to execute a man because he had married the wife of his father.

(Mishkāt, p. 274)

Ibn Fīroz Dailamī narrates from his father: 'When I embraced Islam, I had two sisters married to me. I went to the Holy Prophet صلى الله عليه وسلم with the problem.' He said: "Separate by divorcing one and keeping the other." (Mishkāt, p. 274)

These narrations tell us that just as it is not lawful, after embracing Islam, to contract marriage with father's wife or to combine two sisters in marriage, similarly it is also unlawful to maintain such marriages, if they have been contracted by someone before he embraced Islam.

إِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا (Surely, Allah is Most-Forgiving, Very-Merciful) means that anything people did erroneously before the advent of Islam will be overlooked by Allah Almighty once they have embraced Islam and they can be sure that He will turn to them with the great reach of His mercy.

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ (the women already bound in marriage): It means that women having husbands have also been made unlawful. So far as a woman is married to a person, no other person can marry her. From here, it becomes very clear that a woman cannot live with more than one husband simultaneously. There are some ignorant and loud-mouthed people in our time who have started saying - when men are allowed to take more than one wife, women too should have the

permission to enjoy more than one husband. This tasteless bravado is totally contrary to this noble verse. People who indulge in such flip-pant display of ignorance do not see that plurality of wives is a blessing which has been historically endorsed in all religions and societies. But, for a woman, having more than one husband at the same time is not only a headache for her in person, but it is also disgraceful for those two men who become husbands to one woman. This weird arrangement is not only shameless, but also leaves no possibility of any offspring being born lineally sound. When many men benefit from one woman, there will remain no method of attributing the fatherhood of the child so born to any one of the participating husbands. Such an obnoxious demand can only be made by those who are totally hostile to the graces of humanity, those who have buried their sense of shame once and for all and those who are supporting the movement to deprive human beings of blessings that issue forth from the recognized channel of parents and children bound in a charter of mutual rights. When lineage goes unproved, who is going to be charged with the responsibility of taking care of mutual rights and duties?

Even if this is looked at purely in terms of nature and reason, there seems to be no justification for the provision of several husbands for one woman:

1. The basic purpose of marriage is procreation. Seen from this angle, several women can certainly become pregnant from one man, but one woman cannot become pregnant from several men. She will become pregnant from none but one. What has thus happened is that, given the presence of several husbands, the procreating ability of all husbands, except one, was totally wasted on that count. They ended up with nothing beneficial except the lone satisfaction of their sexual drive.

2. Experience shows that woman is a genre more delicate than man. For a major portion of the year, she does not remain physically amenable to intimacy. There are conditions and circumstances in married life when it is not possible for her to fulfill the rights of even one husband, let alone more than one husband seeking her physical attention.

3. Since man is healthier and stronger in terms of physical power

as compared to woman, man should, if his sexual strength is above average and he cannot find satisfaction by limiting himself to one woman, have the opportunity, of course by permissible means, to marry twice and thrice. If this is not allowed, he will take to impermissible ways of satisfying his desires, and in that process, he will ruin the whole society. But, the likelihood that woman could bring about such ruination is very remote.

This question is so important in the Shari'ah of Islam that it has not only ruled the second marriage of a woman unlawful when she is already married to someone else, but it also goes farther when it rules that, should the husband of a woman divorce her, or die, she still cannot marry another person until after the expiry of her 'iddah or waiting period.

إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ (except the bondwomen you come to own): This sentence is an exception from the rule set in وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ (the women already bound in marriage).

It means that it is not permissible that a woman who already has a husband be taken in marriage by another person, unless she comes in the ownership of a person as a bondwoman. This happened when Muslims had to carry out *jihad* against the infidels of *Dār-al-ḥarb* (a non-Muslim state without a treaty of peace with the Muslims). As a result of a valid war with them women prisoners might have been brought to the Islamic state. If their non-Muslim husbands remained behind in their original non-Muslim State, their bond of marriage with them used to be terminated by their entry into the Islamic state, and it was lawful for a Muslim to marry her, if she was a Christian, a Jew or had embraced Islam. Similarly, if the head of the Islamic state opted to make her a bondwoman and had given her to a participant in the war as his share in the spoils, he could also enjoy her company. However, this marriage or enjoyment was permissible only after she goes through at least one menstruation period after her entry into the Islamic state. If it appeared that she was pregnant from her previous husband, it was necessary to wait until she delivers the child.

Rulings:

1. If a disbelieving woman embraces Islam in *Dār al-Ḥarb* while her husband is a disbeliever, she will be released from the bond of

marriage with him after the expiry of three menstrual periods.

2. If a disbelieving woman embraces Islam in Dār al-Islam and her husband is a disbeliever, then, the local legal authority should induce the husband to think about accepting Islam. If he refuses to become a Muslim, the Muslim judge should bring about a separation between the two. This separation will be taken as the divorce after which, the woman completes her period of 'iddah and becomes free to marry any Muslim of her choice.

يَنْبَغُ اللَّهُ عَلَيْكُمْ (It has been written by Allah for you): It means that the unlawfulness of marriage with women identified by Allah is something determined by Him.

وَأَحِلَّ لَكُمْ مَا وَرَاءَ ذَلِكَ (All except them have been permitted for you): It means that women other than those whose unlawfulness has been mentioned upto this point are lawful for you; for example, the daughter of an uncle, the daughter of a maternal aunt, the sister born of a maternal uncle, and the wife of a maternal or paternal uncle - after their death or after they have divorced her - subject to the condition that any other reason of prohibition does not exist. In addition to that, there is the wife of an adopted son who can be lawfully married after he divorces, or dies; so also, if one's wife dies, he can marry her sister - these being some of the many lawful options available. All these have been covered under the generality of مَا وَرَاءَ ذَلِكَ (All except them).

Ruling:

It is not permissible to have more than four wives simultaneously. Detailed comments on this subject have already appeared in the beginning of Sūrah Al-Nisā'. Not finding any reference to this in the immediate context of the present verses should not lead anyone to misunderstand that, may be, the generality of the Qur'ānic words, مَا وَرَاءَ ذَلِكَ (All except them) allows unrestricted marriage with women. Besides the women, marriage with whom is unlawful as declared in the Holy Qur'an, there are several others in this category as mentioned in the noble *Aḥādīth*, indications of which appear in the Qur'ānic verses also and to which we have been pointing out in our comments.

أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ (that you may seek {to marry} through your wealth):

It means that the description of women unlawful for marriage is there to induce you to look for lawful women with the help of your wealth and enter into marriage with them. In *Aḥkām al-Qur'ān*, Abū Bakr al-Jaṣṣaṣ رحمه الله عليه writes that this part of the verse tells us two things. Firstly, marriage cannot materialize devoid of dower (even if the parties to marriage decide between themselves that the marriage will take place without dower, still, dower will be necessary, details of which are available in books of *Fiqh*.) Secondly, it tells us that dower (*mahr*) should be something which can be termed as "*māl*" (inclusive of wealth, property, assets etc.) According to the Ḥanafīyyah, *mahr* (dower) should not be less than ten *dirhams*. One *dirham* is equivalent to 3 1/2x17 grains Troy of silver.

مُحْصِنِينَ غَيْرَ مُسَافِحِينَ (binding yourself in marriage, and not only for lust): It means that one should seek lawful women with the help of one's assets and it should be clearly understood that the seeking of women is to safeguard modesty and chastity, which is the crucial purpose of a marriage. And it is through marriage alone that the desired objective has to be achieved and certainly not through spendings to find women for *zinā* (fornication). This tells us that, no doubt the fornicators too spend out of their assets, but that spending is patently unlawful, and benefiting from a woman who has been procured by such spending is never lawful. The addition of غَيْرَ مُسَافِحِينَ¹ (not for lust) here serves two purposes. As obvious, it forbids *zinā* (fornication) while it also points out that the purpose of *zinā* is nothing but to run after lust and to waste one's semen for unlawful enjoyment - because it is not aimed at the seeking of children and the preservation of the human race. Muslims must stay chaste investing their strength where it is due in the best interest of human procreation, the method of which is to have a wife in marriage, or a bondwoman - in case one comes to have one.

فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً (So, whoever of them you have benefited from, give them their due as obligated): 'Benefiting' in this verse refers to coition and it means that the payment of full dower is

1. Literally, it means 'flowing of water' and indicates to seeking ejaculation out of lust. (Editor)

due on the husband only when he had benefited from her company by having sex with her. If, after the initial marriage contract the wife has not come to live with the husband who thus does not get the opportunity to 'benefit' from her company, and he divorces her before having that opportunity, the payment of *mahr* (dower) due against him becomes half. Special attention has been drawn in this verse to the situation when, once this 'benefit' has been received from some woman, the payment of her *mahr* becomes obligatory on all counts. Any shortcoming in doing so is against the letter and spirit of Muslim law. Moreover, the universal human sense of honour dictates that consequent to the purpose of marriage having been achieved, there should be no failing or delaying in giving the wife her due - however, the Shari'ah gives the woman the additional right that she can, if the *mahr* (dower) is prompt (*mu'ajjal*), refuse to go to her husband until the payment of the *mahr* has been made to her.

The unlawfulness of *Mut'ah*

The root of the Arabic word, *استمتع* : *istimtā'* is ع - ت - م (mīm - tā - 'aīn) which means to derive benefit. Any benefit derived from a person or from wealth, property, assets etc. is called *istimtā'*. According to Arabic grammar, the addition of the letters س : *sīn* and ت : *tā* to the root of any word gives the meaning of seeking. Based on this lexical explanation, the simple and straight sense of the Qur'anic expression, *استمتعتم* (you have benefited), as understood by the entire Muslim *ummah* from the revered early elders to their successors and followers, is just what we have stated a little earlier. But, a sect¹ says that it means the conventional *mut'ah* and, according to its adherents, this verse proves that *mut'ah* is *ḥalāl* (lawful). Therefore, it is pertinent here to give a brief account of *mut'ah* and its unlawfulness.

Mut'ah which was in vogue before the advent of Islam was a temporary contract between a man and a woman for having sexual relationship between them for a specified period in exchange of money or a specified kind offered by the man to the woman. This type of contract, which was never meant to create permanent rights and obligations of marriage, was clearly prohibited by the Holy Qur'an and Sunnah, however, this particular sect claims that it is still *ḥalāl*

1. [i.e. the Shi'ites] (editor).

(permissible). They sometimes seek support to this claim from the present verse just on the ground that the word '*mut'ah*' has been derived from the same root wherefrom the word *اِسْتَنْعَمُ*, used in this verse has been derived. Obviously, this argument is too far-fetched, and the present verse itself is sufficient to refute it, because before the word *اِسْتَنْعَمُ*, the Holy Qur'an has used the words *مُحْصِنِينَ غَيْرِ مُسَافِحِينَ* (binding yourself in marriage and not only for lust) which clearly prove that the sexual relationship approved by the Holy Qur'an is the only one which aims at chastity through the permanent bond of marriage, and not a relationship based on satisfying lust for a temporary period which has been termed by the Holy Qur'an as 'flowing water'.

Now, it is obvious that the contract of *mut'ah* has nothing to do with this concept. It neither creates permanent rights and obligations, nor does it bring about a family set-up, nor does it aim at having children and maintain chastity. It is nothing but to satisfy the sexual desire for a short period of time.

As a result, the woman with whom *mut'ah* is done is not given even the status of a wife who could inherit from her very pragmatic counterpart - who, for that matter, does not even have the grace to count her among his recognized wives. The reason is very simple as the purpose here is nothing but sexual gratification, an attitude which drives men and women to keep hunting for ever-new sex-partners in a temporary setting. If this be the state of affairs, *mut'ah* (referred to as temporary marriage) can never be taken as the guarantor of modesty and chastity; it is, on the contrary, its very enemy.

Therefore, the Qur'anic words *مُحْصِنِينَ غَيْرِ مُسَافِحِينَ* are more than enough to rule out the possibility of *mut'ah* being meant by the present verse.

The author of *Hidāyah* has attributed to Imām Mālik that, according to him, *mut'ah* is permissible. But, this attribution is totally incorrect as clarified by the commentator of *Hidāyah* and other respected scholars who say that the author of *Hidāyah* has attributed this view to Imām Mālik inadvertently.

However, there are some of those who claim that Sayyidnā Ibn Abbās رضى الله عنه believed in the lawfulness of *mut'ah* right upto his later years, although this is not so. Imām al-Tirmidhī, devoting a

chapter to "*mut'ah*", has reported two *aḥādīth*. The first one is as follows:

عن علي بن أبي طالب أن النبي صلى الله عليه وسلم نهى عن متعة النساء وعن لحوم الحمرا لأهلية زمن خيبر

‘Alī ibn Abī Ṭalīb رضى الله عنه reports that the Holy Prophet ﷺ on the occasion of the battle of Khyber, prohibited *mut'ah* with women and from (eating) the meat of domestic donkeys.

This *ḥadīth* appears in al-Bukḥārī and Muslim as well. The second *ḥadīth* reported by Imām al-Tirmidhī is given below:

عن ابن عباس قال: إنما كانت المتعة في أول الإسلام حتى إذا نزلت الآية إلا على أزواجهم أو ما ملكت أيمانهم قال ابن عباس: فكل فرج سواهما فهو حرام

Ibn ‘Abbas رضى الله عنه says: *Mut'ah* was there only in the early period of Islam until the verse - (إِنَّمَا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ) - was revealed. Then, he said: All private parts other than these are unlawful (that is other than those of the legally wedded wife and the bondwoman one may come to have).

Nevertheless, this much has to be said that Sayyidnā Ibn ‘Abbās رضى الله عنه took *mut'ah* to be permissible upto a certain time. Then, it was on the good counsel of Sayyidnā ‘Alī رضى الله عنه (as in Ṣaḥīḥ Muslim, v.1, p.452) and under the chastening impact of the noble verse: إِنَّمَا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ that he revoked his earlier position, as indicated in the narration from Tirmidhī.

It is very strange that the sect which believes in the lawfulness of *mut'ah* - despite its claim to love and obey Sayyidnā ‘Alī رضى الله عنه - elects to oppose no less a person than him on this particular issue.

The author of Rūḥ al-Ma‘ānī reports from Qāḍī ‘Ayāḍ that *mut'ah* was lawful before the battle of Khayber, but it was made unlawful during it. After that, it was declared lawful on the day of the Conquest of Makkah, but it was after three days that it was proclaimed as unlawful for ever.

There is yet another point worthy of our attention. The Qur’ānic statement:

وَالَّذِينَ هُمْ يُفْرُوهُمْ حَافِظُونَ إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مَلُومِينَ .

(And those who guard their private parts, save from their wives or from their bondwomen, then, they are not blame-worthy).

is so explicit that it admits of no other interpretation. It shows the unlawfulness of *mut'ah* very clearly. Seeking flimsy support from some rare and unauthentic readings is absolutely incorrect.

To sum up our earlier submissions, there is no absolute proof to support the view that the Qur'anic word, *اِسْتَمْتَعْتُمْ* (you have benefited) refers to conventional *mut'ah*. This is just a remote possibility which can never override the absolute proof contained in *إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ* cited above. Specially, keeping in view the well-settled principle of Islamic jurisprudence, that where two arguments or two interpretations are equally possible, the one supporting prohibition is always preferred.

Ruling:

Like *mut'ah*, a time bound marriage is also unlawful. A time-bound marriage (termed in Islamic jurisprudence as *al-nikāḥ al-muwaqqat*) is a marriage entered into for a fixed time. The difference between the two is that *mut'ah* is done by using the words of *mut'ah*. A time-bound marriage is done by saying the word, *nikāḥ* which is normally used for regular marriage.

وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاغَبْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيقَةِ (And there is no sin on you in what you mutually consent to after the {initial} settlement): This sentence in the verse means that *mahr* or dower which has been fixed mutually is not, in the real sense, absolute and definitive, and something to which nothing could be added or deleted. On the contrary, a husband can add something on his own accord on the fixed *mahr*, and the wife too, if she so desires, willingly and happily, can forgo a part of her *mahr*, or the whole of it. The generality of the words also allows a situation where a woman willingly agrees to defer the payment of a dower which was originally settled to be prompt.

إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا (Surely, Allah is All-Knowing, All-Wise): The addition of this sentence towards the end of the verse tells us two things. Firstly, that All knows. He is aware of everything. His injunctions are

there to be complied with. If somebody acts against these and even if a judge, a ruler, or any other human being ever gets to find out about it, Allah, in His most exalted state of being, knows all about this and everything else. One must keep fearing Him under all circumstances. Secondly, that the injunctions He has revealed are all based on *hikmah* or wisdom. In essence, *Hikmah* (Allah's wisdom) is too deep to be understood by everyone. The injunctions concerning what is unlawful and lawful as given in these verses, whether or not one understands their cause, reason or justification, must be believed in, accepted and obeyed. This is because, even though we may not know the *raison d'être*, the cause, reason or justification, it hardly matters, for the Creator and the Master of the Command, Allah Almighty certainly knows it all, being the All-Knowing, the Wise.

There are many people, educated but ignorant, visibly spread out in our contemporary Muslim and non-Muslim societies, who go about gopher-like, searching for the causes of Divine injunctions. When they fail to find any, they side-track the need to comply with the injunction by saying that the Word of God was, God-forbid, contrary to the requirements of the modern age, or worse still, unsuitable. The words of the verse have silenced such people for ever by telling them: 'You are ignorant. Your Creator is All-Knowing. You lack understanding. Allah is All-Wise. Do not make your reason the touchstone of the Truth.'

Verse 25

وَمَنْ لَّمْ يَسْتَطِعْ مِنْكُمْ طَوْلاً أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ
فَمِنْ مَّا مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ
بِأَيْمَانِكُمْ بِعُضُكُم مِّنْ بَعْضٍ فَأَنْكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ
وَأَتُوهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسْفِحَاتٍ وَلَا
مُتَّخِذَاتِ أَخْدَانٍ فَإِذَا أُحْصِنَ فَإِنَّهُنَّ أَتَيْنَ بِفَاحِشَةٍ فَعَلَيْهِنَّ
نِصْفُ مَّا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ خَشِيَ
الْعَنَتَ مِنْكُمْ وَأَنْ تَصِيرُوا خِبراً لَّكُمْ وَاللَّهُ غَفُورٌ رَّحِيمٌ ﴿٢٥﴾

And the one who cannot afford to marry the free Muslim women, then (he may marry) the one you own of the Muslim girls. And Allah knows best about your faith. You are similar to each other. So, marry them with the permission of their masters and give them their dues, as recognized, they being bound in marriage, not going for lust, nor having paramours. So, once they have been bound in marriage, then, if they commit a shameful act, they shall be liable to half of the punishment prescribed for the free women. That is for those of you who fear falling in sin. And that you be patient is better for you. And Allah is Most-Forgiving, Very-Merciful. [25]

It is in continuation of the injunctions relating to marriage which have been appearing earlier that the text now takes up the option of marriage with bondwomen who qualify as such under the stipulations of the Shari'ah of Islam. Then, the injunction of *Hadd* punishment concerning them has been added along since the status of a bondman and bondwoman is different from a free man and a free woman. Detailed explanation follows.

Commentary

The word, *طَوْلٍ* (*ṭawl*) in the Qur'anic text signifies power, capability and means. The sense of the verse is that one who does not have the capability or means to marry free Muslim women, can marry Muslim bondwomen. This clearly indicates that one should, as far as possible, marry only a free woman and simply not marry a bondwoman. But, should it be that one has to marry a bondwoman, he should look for a Muslim bondwoman

This is the very juristic position of Imām Abū Hanīfah according to whom marrying a bondwoman, specially a bondwoman from the people of the Book (Jews or Christians) while having the power and means to marry a free woman, is *makrūh* (not desirable)

According to Imām Shāfi'ī and other Imams, marrying a bondwoman while having the power and means to marry a free woman is unlawful (*ḥarām*), and marrying a bondwoman from the people of the Book is absolutely impermissible.

In short, to avoid marrying a bondwoman is, under all conditions,

certainly better for a free man. However, if one has to do so under personal lack of choice, marrying a Muslim bondwoman is better. The reason is that the offspring from a bondwoman becomes automatically bonded to the owner of the bondwoman. Furthermore, there remains the danger that the offspring from the non-Muslim bondwoman could adopt a religion other than Islam following the example of the mother. So, in order to rescue the children from bondage and to ensure that they remain Muslims, it is necessary that the mother of the children should be free. If she is a bondwoman, let her, at the least, be necessarily a Muslim, so that the faith of the child remains secure for future flowering. For this reason, respected scholars have said that marrying a free woman from the people of the Book is, no doubt, correct, but, staying away from doing so is better; and in a time like this, its importance is much too obvious to be emphasized as Jewish and Christian women usually marry Muslim men to influence the husband himself, and his children, into adopting their religion.

This much established, the text then says: **وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُم مِّنْ بَعْضٍ** : It means that Allah is fully aware of your faith, that is, 'Imān or faith is the criterion of precedence. It is very likely that a bondman or bondwoman may be far ahead of free men and women on the scale of faith. Therefore, the option of marriage with a Muslim bondwoman should not be taken as absolutely contemptible. Instead the fact that she has faith in Islam should be appreciated. The expression **بَعْضُكُم مِّنْ بَعْضٍ** appearing at the end, translated here as 'you are similar to each other', means that human beings, free or in bondage, all come from one species, the children of Adam and all were born of only one soul. That one is better than the other depends on 'Imān (faith) and Taqwā (righteous conduct in fear of Allah, the Creator). According to al-Tafsīr al-Mazhārī, 'these two sentence are there for people to get familiarized with and become acceptance-prone to marriage with bondwomen and get rid of any attitude of contempt for such marriage

فَأَنكِحُوا مَن بَادَنَ أَهْلَهُنَّ وَأَمْوُهُنَّ أَمْوَرَهُنَّ بِالْمَعْرُوفِ (So, marry them with the permission of their masters and give them their dues): It means that, should they refuse to give permission, the marriage of the bondwoman will not be correct because the bondwoman does not possess the control over her person. The same rule governs the bondman as he too cannot marry

without the permission of his master.

Then it was said that one who marries a bondwoman should pay her *mahr* (dower) promptly, honestly and gracefully, that is, without hedging and delaying, and making sure that the payment is made in full, and that no trouble is caused to the bondwoman in this matter just because she happens to be a bondwoman. The juristic position taken by Imām Mālik in this connection is that *mahr* (dower) is the right of the bondwoman. Other Imāms say that the master of the bondwoman is the one who shall become the owner of what is received in payment of the dower of the bondwoman.

مُحْصَنَاتٍ غَيْرِ مُسَفِّحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ (they being bound in marriage, not going for lust, nor having paramours): It means that marriage with Muslim bondwomen should be contracted while they are observers of chastity being neither "*musāfiḥāt*", that is, open fornicators, nor keepers of clandestine paramours. It may be noted that the text, though refers to the seeking of chaste bondwomen for marriage at this place, yet it is also much better to stay away from marrying a fornicating free woman as well.

Since this verse has declared that if one cannot afford to marry a free woman, the second option for him is to marry a bondwoman. This also proves that *mut'ah* (مُتْعَة) is not permissible, because, had *mut'ah* been permissible, a person who could not afford to marry a free woman could have gone for the easiest alternate by doing *mut'ah*¹ as it would have gratified his sexual desire and, in addition to that, the relative financial burden of this deal would have been much less than that of a regular marriage. Furthermore, the Qur'anic words مُحْصَنَاتٍ غَيْرِ مُسَفِّحَاتٍ identify the trait of the bondwomen - an observer of chastity while being bound in marriage and no fornicator. Now, as far as *mut'ah* is concerned, it is all '*safḥ*', nothing but spillage and rank whoredom. One woman gets used by several men in short spans of time. The offspring, if it comes, cannot be credibly ascribed to anyone. There goes the benefit of procreation. What becomes of the unique reservoir of human strength all such people possess, is simply that the whole thing goes down the drain just to oblige the wanton pursuit of sex.

1. For details see the commentary (on verse 24) in the previous section.

. فَإِذَا أُحْصِيَ فَإِنْ أَتَيْنَ بِفَاحِشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ : It means that after the bondwomen have been bound in marriage and their observance of chastity has been given a safe cover, if they commit *zinā*, an act of shame, they shall be liable to half of the punishment prescribed for the free women. This refers to unmarried free women. If unmarried free man and woman happen to commit *zinā*, the punishment is one hundred lashes, which appears in Sūrah An-Nūr (24:2). As for the married man and woman committing *zinā* (adultery), the punishment is *rajm* which is death by stoning. Since this particular punishment cannot be reduced to half, all four Imāms agree on the position that the punishment of *zinā* committed by a bondman or bondwoman, married or unmarried, is fifty lashes. The injunction relating to the bondwomen has been mentioned in the present verse, but the question of the bondman too becomes clear from the obvious analogy of the text.

ذَلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُمْ : It means that the permission to marry a bondwoman is for a person who apprehends that he might fall into the sin of fornication.

وَإِنْ تَصْبِرُوا خَيْرٌ لَكُمْ (And that you be patient is better for you); that is, if a person, despite the apprehension of falling into *zinā*, exercises restraint and keeps himself morally pure rising above the pull of his sexual desire, then, this state of being is better than that one marries bondwomen.

وَاللَّهُ غَفُورٌ رَحِيمٌ (And Allah is Most-Forgiving, Very-Merciful): It means that, no doubt, marrying bondwomen is *makrūh* (not desirable) yet, should one go on to do something in this line, Allah Almighty will still forgive him. Then, He is Very-Merciful too, because He allowed marriage with bondwomen and did not make it totally prohibited.

Special Note

Bondmen and bondwomen mentioned in the explanation of the present verse represent the *Shar'ī* bondmen and bondwomen. Men and women from among the disbelievers who were taken prisoners during *Jihād* were given to the Mujāhidīn as part of the distribution of spoils by the Amīr al-Mu'minīn, the Chief Executive of Muslims. These prisoners became the bondmen and bondwomen. Their offspring too remained in bondage (with the exception of some cases which appear in due details in books of *Fiqh*). Today Muslims have forsaken taking

up *Jihād* in the manner prescribed by the Shari'ah of Islam, ignored the demands of their *Jihād*, have entrusted the options of peace and war in the hands of the enemies of their religion and have themselves become chained to principles and policies which have nothing to do with the Shari'ah of Islam. Since that point of time Muslims departed from the pivot, they ended up being deprived of what was known as a bondman and bondwoman.

Common domestic servants in our own time are not 'bondmen' and 'bondwomen' because they are free.

In some parts of the world, children are sold out or enslaved. This is absolutely and totally *ḥarām* (forbidden). They do not become 'bondmen' and 'bondwomen' by doing that.

Verses 26 - 28

يُرِيدُ اللَّهُ لِيُبَيِّنَ لَكُمْ وَيَهْدِيَكُمْ سُنَنَ الَّذِينَ مِنْ قَبْلِكُمْ
وَيَتُوبَ عَلَيْكُمْ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴿٢٦﴾ وَاللَّهُ يُرِيدُ أَنْ يَتُوبَ
عَلَيْكُمْ وَيُرِيدُ الَّذِينَ يَتَّبِعُونَ الشَّهَوَاتِ أَنْ يَقِيلُوا مِثْلًا
عَظِيمًا ﴿٢٧﴾ يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ وَخَلَقَ الْإِنْسَانَ
ضَعِيفًا ﴿٢٨﴾

Allah intends to make clear to you and to guide you to the ways of those before you and to relent towards you. And Allah is All-Knowing, All-Wise. [26]

And Allah intends to relent towards you while those who follow the desires want you to deviate a great deviation. [27]

Allah intends to make things easy on you. And man has been created weak. [28]

Sequence

Mentioned in the previous verses were details of injunctions. Now, in the present verses, Allah Almighty points to his blessings and favours saying that your being obligated with these injunctions is for your own good, even though you may not be able to understand its manifestation in details. Then, along with it, there is the motivation to

follow the divine injunctions. Finally, there is the message of alert against the evil intentions of the misguided who wish ill of you and would like you to stray far away from the straight path.

Commentary

Following the description of several injunctions relating to marriage, the present verses say that Allah Almighty is making His injunctions very clear and explicit for you, and He is putting you in line with the ways of the noble prophets and the righteous who have come earlier. Do not think that these details of what is unlawful and what is not are there for you alone. The fact is that communities, earlier than you, were also charged with such injunctions. Those who acted in accordance with them were rewarded with Allah's favour.

As for those who follow the dictates of their desires, which includes fornicators, adulterers and nations and peoples adhering to false creeds who just do not recognize the restrictions of *ḥalāl* and *ḥarām* and make no distinction between lawful and unlawful would very much like you too to move away from the straight path and start giving ear to their false intentions and crooked ways. Be on your guard against them. There are creeds where it is all right to marry women - marriage with whom is not proper. Then there are many atheists who favour the very elimination of the institution of marriage as something out of tune with modern times. Not content with what they call "living together", there are people in some countries who are talking about women as a shared item of enjoyment. All this comes from people who take orders from their desiring self. Some Muslims, subscribing to Islam yet weak in their faith, when they keep company with disbelievers and atheists of such inclinations, fall a prey to their lustful claims and begin to think that their own religion is out-dated and that the position of the enemy is the very epitome of human progress. They do not realize that they have been framed into believing that people with such ideas are modern and forward-looking, something they start wishing their own religion could have permitted. Refuge with Allah from such spineless surrendering! The best policy is to take the warning given by Allah Almighty and stay away from owning and practicing ideas and ways of people with dispositions so wicked.

After this, in the first part of verse 28, it was said:

يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ : It means that Allah, great in His majesty, intends to make things easy on you, that is, prescribes injunctions which can be carried out by everyone obligated with them. If one cannot afford marrying free women, permission has been given to marry bond-women. Parties to a marriage were given the right to settle the dower by mutual consent. Also given was the right to marry more than one woman under circumstantial necessity, of course, on condition that justice is not compromised.

At the end, in the second part of verse 28, the text says: **وُخِّلَ الْإِنْسَانُ** (And man has been created weak). It means that man is weak by nature, and constituted desire-prone. If man was asked to stay away from women, totally and absolutely, he would have been a hopeless performer when it came to obeying the injunctions of Allah. It was, in view of his weakness and limitations, that he was not only permitted to marry women, but also that he was induced to do so. It goes without saying that the post-marriage life of a couple offers great benefits of mutual self-realization and most of all they enjoy the blessings of a sight that is untainted and a character that is unalloyed. This mutual purity of the couple increases the moral quality of life for both of them, making them strong, self-reliant and happy. So, marriage is a smart mutual contract to remove any chances of weakness that may afflict men and women - a peerless method indeed.

Verses 29 - 30

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾ وَمَنْ يَفْعَلْ ذَلِكَ عُدْوَانًا وَظُلْمًا فَسُوفَ نُصْلِيهِ نَارًا وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا ﴿٣٠﴾

O those who believe, do not eat up each other's property by false means unless it be a trade with your mutual consent. And do not kill yourselves. Indeed, Allah has been Very-Merciful to you. [29]

And whoever does that out of aggression and injustice,

We shall cast him into fire. And this is an easy thing for Allah. [30]

Sequence

Looking back from the beginning of Sūrah Al-Nisā', we see that it points out to the creation of all human beings from one father and mother and to the fact that all of them are bound in one big bond of brotherhood which suggests that rights of human beings at large have to be guarded and fulfilled. Then came a detailed statement about orphans and women which was followed by the injunctions of inheritance stressing upon the fulfillment of the rights of other relations in addition to those of the orphans and women. Pursuant to this came the injunctions of marriage telling about women who can be lawfully married and about those with whom marriage is unlawful, because marriage is a transaction and contract which entitles someone to enter into a woman's life and property.

The present verses bid the protection of human life and property and forbid any uncalled for intrusion into that area - whether those human beings are men or women, related or unrelated, Muslim or non-Muslim with whom there is a no-war pact in force. (Tafsīr al-Mazharī)

Commentary

While prohibiting to eat up the property of others the actual words used in the verse are: **أَكْرَأَكُم بَيْنَكُمْ** which have been translated as 'each other's property' against the very literal, 'your property in between you'. There is a consensus of Commentators that these words certainly carry the sense that nobody should eat up the property of the other by false means. The sense of the expression also includes, as indicated by Abū Ḥayyān in Tafsīr al-Baḥr al-Muḥīṭ, that anybody should eat up his own property in that manner - for example, spend it on what is religiously sinful, or is straight extravagance. That too comes under the purview of this verse and is forbidden.

The word **لَا تَأْكُلُوا** in the verse literally means, 'do not eat'. But, in common usage, it means, 'do not usurp the property of another person by false means whatever they may be by eating or drinking or using. In common parlance, the unauthorized use of what is owned by someone else is indicated by the idiom, 'eating up', even though it may not be eatable. The word, "*bāṭil*" which has been translated as "false

means" covers, in the view of Sayyidnā 'Abdullāh ibn Mas'ūd and the majority of blessed Companions, all other forms which are impermissible and are forbidden by the Shari'ah. Included thereunder are theft, robbery, usurpation, breach of trust, bribery, interest, gambling and all false transactions. (al-Bahr al-Muhīt)

False Means as explained by the Qur'ān and Ḥadīth

As for the Holy Qur'ān, it has used one word بالباطل (by false means) to declare that all wealth and property acquired by false means is unlawful. After that, the Holy Prophet صلى الله عليه وسلم was entrusted with the duty of providing details. It was he صلى الله عليه وسلم who explained the details of every impermissible transaction.

From this we also find out that the many details of impermissible methods of buying and selling mentioned in the *aḥādīth* of the Holy Prophet صلى الله عليه وسلم are really an elaboration of this Qur'ānic injunction. Therefore, all those injunctions are, in a way, the very injunctions of the Qur'ān. Whatever injunctions of Shari'ah have appeared in the *aḥādīth* of the Holy Prophet صلى الله عليه وسلم they all have a common feature - they all elucidate upon one or the other Qur'ānic injunction. It makes no difference whether we do or do not know that this is an explanation of a certain verse.

Permissible Methods

The first part of verse 29 explained above declares that devouring the other person's property by false and disapproved methods is unlawful. Then, in order to exempt permissible methods from the ruling of unlawfulness, it was said in the second part of the same verse: **إِلَّا أَنْ تَكُونُوا بَيْنَهُمْ تَرَاضٍ مِّنْكُمْ** which means that the wealth and property of others which has been acquired through trade by mutual consent is not unlawful.

Although there are, besides trade, several other means and methods which are equally permissible - for example, borrowing, gift, charity, inheritance - but, generally the most recognized and commonly practiced form of one person's property passing into the possession and control of someone else is no other than trade. Then, trade is generally understood to be a buying and selling activity. But, according to al-Tafsīr al-Maẓharī, dealings related with service, labour and tenancy are also included in trade, because in *bai'* (sale) what is

acquired is *māl* (property) for *māl*, while in *ijāra* one gets *māl* for service and labour. Trade covers both.

The reason why trade alone, out of the permissible forms of acquiring wealth and property from others, has been singled out here in this verse is that trade and labour are the best means of earning livelihood out of a variety of those open to man. Sayyidnā Rāfi' ibn Khadij رضى الله عنه says that the Holy Prophet صلى الله عليه وسلم when asked as to which mode of earning was the purest and the most lawful, said:

عمل الرجل بيده وكل بيع مبرور (مظهرى و ترغيب و ترهيب)

"Man's work with his own hands, and all honest sale transactions (not false and fraudulent) (Al-Mundhiri, Al-Targhib, and Mazhari).

Sayyidnā Abū Sa'īd al-Khudhri رضى الله عنه narrates that the Holy Prophet صلى الله عليه وسلم said:

التاجر الصدوق الأمين مع النبيين والصديقين والشهداء (ترمذى)

"The truthful and trustworthy trader shall be with the prophets and the truthful and the martyrs". (Tirmidhi)

And Sayyidnā Anas رضى الله عنه narrates that the Holy Prophet ﷺ said:

التاجر الصدوق تحت ظل العرش يوم القيمة - رواه الاصبهاني (ترغيب)

"The truthful trader shall be under the shade of the Throne on the Day of Doom." (reported by al-Isfahānī, al-Targhib)

Special Conditions of Clean Earning

According to a narration from Sayyidnā Mu'adh ibn Jabal رضى الله عنه the Holy Prophet صلى الله عليه وسلم said:

"The cleanest earning is the earning of the traders, on condition that, when they talk, they do not lie; and when they are asked to hold something in trust, they commit no breach of trust; and when they buy something from someone, they do not start finding faults in it; and when they sell their own stuff, they do not praise it (unrealistically); and when they have a debt to pay, they do not evade payment; and when they have a debt to recover from someone, they do not harass him." (Isfahānī, as quoted by Mazhari)

For this reason, it was said in another *ḥadīth*:

ان التجار يبعثون يوم القيمة فجارا الامن اتقى وبر وصدق (اخرجه الحاكم عن
رفاعة بن رافع)

"Traders will be raised on the Day of Doom as the sinners except him who fears Allah, acts righteously and says what is true." (al-Ḥakim, from Rifā'ah b. Rāfi')

Trade and Mutual Consent :

The words "unless it be a trade with your mutual consent" in verse 29 lay down two conditions for the validity of a transaction through which the property of another person may lawfully be acquired. Firstly, it must be a transaction of trade which requires exchange of properties. Therefore, the transactions of gambling, speculation and usury or the transactions of sale where the commodity does not exist are forbidden and are not valid in Shari'ah, because these transactions cannot be termed as trade, even though they are effected in the name of trade.

Secondly, the transaction must be effected with the mutual consent of the parties. Therefore, if there is trade, where the object of sale does exist, but the mutual consent of the parties is not there, even then, the sale is invalid and impermissible. Thus, these two forms are included under "eating up each other's property by false means". Muslim jurists call the first form, *albai' al-bāṭil*, while the second form is given the name, *'al-bai' al-fāsid*.

To explain the first condition, we can say that trade is the name of the exchange of one commodity with the other. Having commodity on one side and having no commodity against it is not trade. It is deception. The same holds good for interest-based transactions where the amount of interest is a return for the time allowed in a loan - and this 'time' is no 'commodity'. The same thing happens in speculation and gambling. Here, the commodity does exist on one side, but the existence of a commodity against it is doubtful. Similarly, there are transactions based on forward trading where the commodity does not exist but a deal is made for its sale / purchase. Here you have commodity on one side and nothing but a promise on the other. Therefore, this is just

not trade. If fact, this is deception and a kind of fraud. Therefore, Muslim jurists have ruled it to be *al-bai' al-bāṭil*, a void transaction of sale. The explanation as given here eliminates all impermissible forms of trading.

As for the second condition, it covers a situation where a property is being exchanged for another property. Both do exist, but the transaction of exchange did not take place with mutual consent. Although this is a trade, yet it is a wrong and invalid type of trade. Therefore, it has been called '*fāsīd*' (invalid) and is not allowed.

The reality of the condition of mutual consent

However, there is a third kind in which there is commodity on both sides, and apparently the transaction has been effected with mutual consent, but the consent of one party has been obtained by compulsion and not by his free will. Therefore, this third kind is also included in the second one. For example, a person or company collects articles of daily use from all over the market, builds up a stock, raises prices on the higher side and starts selling. Since this is not available elsewhere in the market, the customer has no choice but to buy it from him at whatever price he may be selling it. In this situation, though the customer himself walks into the store and, obviously, buys it with his consent, but this 'consent' is an outcome of compulsion and therefore, it is null and void.

Similarly, if a husband makes the conditions of living with his wife so thorny that she is compelled to forgo her due dower, then, this expression of 'consent' made by her while abandoning her right to receive the dower, is not considered as consent in the real sense of the term.

Or, take the example of a person who discovers that he is not going to get his valid job done without offering a bribe, and he becomes ready to offer a bribe, then, this willingness and consent is not of his own free will. Therefore, it is legally null and void.

Thus, it becomes very clear that the restriction in *لَا أَنْ تَكُونُوا بَعْضُكُمْ عَلَى بَعْضٍ كَافِرِينَ* (unless it be trade with your mutual consent) justifies only those forms of buying, selling and trading the justification of which stands proved on the authority of the *ahādīth* of the Holy Prophet ﷺ. Muslim

jurists have simply codified them. So, all forms of buying, selling and trading prohibited and impermissible in the Shari'ah of Islām stand excluded from the approved core. To sum up, this one word of the Holy Qur'an provides the key to the wonderful treasure of Muslim jurisprudence on the subject of *al-buyū'* and *al-ijāra*.

The third sentence of the first verse (29) says: **وَلَا تَقْتُلُوا أَنْفُسَكُمْ** which has been literally translated here as 'and do not kill yourselves.' According to the consensus of commentators, this includes suicide; as well as, killing each other unjustly. The first sentence of the verse described the property rights of human beings at large and stressed that they be guarded. The present sentence, the third one we have before us right now, covers their right of life. Property has been mentioned in this verse earlier than 'life', probably because injustice and negligence are very common in matters relating to property rights. No doubt, unjust killing is far more grave, yet customarily its frequency is lower. Hence, it comes later.

Verse 29 closes with the statement: **إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا** which means that the injunctions given in this verse -- 'do not eat up each other's property by false means' or 'do not kill anyone unjustly' -- are injunctions that come to you as Divine Mercy, so that you can take your guard against falling into these misdeeds and thereby become liable to punishment in the life to come, and also that you may stay safe from punishments which could afflict you right here in the present life.

After that, the next verse (30) says: **وَمَنْ يَفْعَلْ ذَلِكَ عَدُوًّا وَعَدَاوًا نَسُوفَ نُصُوبِهِ نَارًا**. It means: If, despite the instructions of the Holy Qur'an, anyone acts otherwise, and knowingly, aggressively and unjustly, takes what belongs to someone else, or kills anyone unjustly, Allah will cast him into Fire. Here, the restriction of 'aggression' and 'injustice' shows that, should this happen out of forgetfulness or mistake, it is not included in this warning.

Verse 31

إِنْ تَحْتَسِبُوا كِبَائِرَ مَا تُنْهَوْنَ عَنْهُ نَكْفَرْ عَنْكُمْ سَيِّئَاتِكُمْ
وَنُدْخِلْكُمْ مَدْخَلًا كَرِيمًا ﴿٣١﴾

If you abstain from the major (sins) out of what you

have been forbidden from, We shall write off your minor sins and shall admit you to a noble entrance. [31]

Righteous Deeds : *Kaffārah* of Minor Sins

Kaffārah is what makes amends, an expiation. So the meaning is that righteous deeds will be taken as *Kaffārah* for minor sins which will thus be written off, resulting in reward instead of punishment and Paradise instead of Hell. This is in accordance with authentic *aḥādīth* where it has been stated that when a person makes *wuḍū* for *ṣalāh*, the act of washing each part of his body becomes the *Kaffārah* for sins; the washing of the face becomes the *Kaffārah* for sins committed by the eye, the ear, the nose; gargling becomes the *Kaffārah* for the sins of the tongue; washing feet a washes way the sins of the feet - and when he walks towards the *masjid*, every step he takes brings with it the *Kaffārah* of sins.

Major Sins are forgiven by *Taubah* alone

From the verse, we find that the expiation of sins through righteous deeds such as *wuḍū*, *ṣalāh* and the rest, which appear in *aḥādīth*, concerns minor sins. As for major sins, they are not forgiven without *Taubah* (Repentance); and for minor sins, the condition is that one should have made the effort to stay away and remain safe from major sins. This leaves us with a note of warning - if someone, while staying involved in major sins, goes on performing his *wuḍū* and *ṣalāh*, then this *wuḍū* and *ṣalāh* and other righteous deeds will not at all expiate for even his minor sins, let alone the major ones. It is a warning that when a person appears on the fateful Day of Resurrection, carrying the heavy burden of his major and minor sins, he will find no helping hand to make his burden any lighter.

It will be recalled that some major sins were mentioned in the previous verses alongwith the warning of severe punishment for those who commit them. It is a peculiar style of the Holy Qur'ān that when it warns of punishment against a sin, it is generally followed by some aspect of persuasion towards obedience.

In the present verse too, a particular Divine reward has been mentioned and people have been persuaded to acquire it by staying away from major sins, in which case, Allah Almighty will forgive their minor sins on His own. Thus, cleansed of all sins, major and minor,

one could look forward to entering the home of honour and peace, the garden of Paradise.

The two kinds of sins

This verse tells us that there are two kinds of sins. Some of them are *kabīrah*, that is, major sins; others are *saghīrah*, (termed as *Saiyyāt*, in this verse) that is, minor sins. He who musters enough courage and succeeds in staying away from major sins, has been given a promise by Allah Almighty that He will forgive his minor sins on His own.

Now, the act of staying away from major sins also includes the act of fulfilling all obligations (*fard* and *wājib*) because neglecting or abandoning obligations is a major sin in itself. Thus, we come to the conclusion that if one dutifully fulfills all obligations and succeeds in saving himself from all major sins, Allah Almighty will overlook his minor sins.

Defining Major and Minor Sins

The word, "*Kabā'ir*" used in the verse is the plural of '*kabīrah*' meaning 'major sins.' Before we proceed further, we should understand the nature and identification of 'major sins'. Also, we should know the definition of minor sins, and their number. Being an important subject, scholars of the Muslim community have devoted regular books to throw light on this subject from various angles.

Let us, first of all, realize that sin, in the absolute sense, is the name of an act which is against the command and the will of Allah Almighty. Starting from this particular point, you will be able to see that the sin known as '*saghīrah*' or, technically, a minor sin, is, in fact, no minor sin for that matter. To disobey Allah Almighty and to oppose His will is, invariably, a grave crime. Therefore, based on this view, a large number of scholars of the Muslim community have ruled that every disobedience of Allah and every opposition to His will is nothing but '*kabīrah*' or major sin. The distinction between '*kabīrah*' and '*saghīrah*', major and minor sins, is made only when these are compared to each other. It is in this sense that the blessed Companion, Sayyidnā 'Abdullāh Ibn 'Abbās has been reported to have said: كل ما نهى عنه فهو كبيره which means that 'Any act forbidden by the Shari'ah is a major sin.'

In short, a sin which is technically known as minor does not mean that people should go about indulging in it neglectfully, indolently or just ignore it as something ordinary. On the contrary, the fact is that a minor sin, if done with nerve or heedlessness, does not remain minor anymore - it becomes a major sin. A good example of a major and a minor sin, as given by some sage, is that of a small scorpion and a big scorpion, or that of a large ember and a tiny spark, for man cannot bear the pain given by any of these. Therefore, Muḥammad ibn Ka'b al-Qurazī said that the greatest act of worship offered for Allah is to give up sins. The *'ibādah* or worship by people, who offer prayers and remember Allah, yet do not give up sins, is not accepted. The famous mystic, Fuḍayl ibn 'Ayād said: 'The lighter you take a sin to be, the greater it will become with Allah as a crime.' The most righteous elders of the Muslim community used to say: Every sin is a courier of *kufr* which invites people to manners and morals typical of disbelievers.

According to the Musnad of Aḥmad, Sayyidnā 'Ā'ishah رضى الله عنها wrote a letter to Sayyidnā Mu'āwiyah رضى الله عنه in which she said that a servant of Allah who disobeys Allah Almighty finds his fans become fault-finders, and friends turn into enemies. Heedlessness towards sins is the cause of man's permanent ruination. It appears in an authentic *ḥadīth* that the Holy Prophet صلى الله عليه وسلم said: When a true believer falls in sin, a black dot appears on his heart. If, after that, he repents and seeks forgiveness from Allah, this dot disappears. If he does not repent, this dot keeps on increasing, so much so that it covers his whole heart. In the Qur'ān, the name given to this dot is '*rayn*', as in *كَلَّا بَلْ رَانَ عَلَى قُلُوبِهِمْ مَا كَانُوا يَكْسِبُونَ* that is, their evil deeds have rusted their hearts - 83:14.

However, it is necessary that there be a method to distinguish between sins in terms of corruption they cause, evil results they bring and harmful outcome they produce. Thus, it is because of this need to differentiate that a certain sin is called 'major' and a certain other 'minor'.

Major Sins

The definition of '*kabā'ir*', as indicated in the Qur'ān and Ḥadīth and as explained by the most revered elders, is that a sin on which a

Hadd or punishment has been prescribed in the Qur'ān or Sunnah to be enforced in this present life or on which words of curse or *la'nah* have appeared, or on which stern warning of Hell has been mentioned, are all major sins. Similarly, every sin the evil outcome of which is equal to or more than a major sin shall be counted as a major sin. Also, a sin done with a rebellious attitude or done as a permanent habit is also included in the major sins.

Someone said before Sayyidnā Ibn 'Abbās رضى الله عنه that the number of major sins was seven. He said: 'Not seven. Say seven hundred, which is better.' In his book *Al-Zawājir*, Imām Ibn Ḥajr al-Makkī has given a list of all such sins with their full explanations, sins which are included under *kabā'ir* in accordance with the definition given above. The number of major sins listed in his book reaches upto four hundred and sixty seven. The truth of the matter is that some scholars have considered it sufficient to count prominent major sins only and thus the number they have come up with is lower. Others who went in details and dealt with all divisions and sub-divisions of the subject came up with a higher number. Therefore, this is not much of a contradiction. The Holy Prophet صلى الله عليه وسلم has himself pointed to many sins as being major. Then, as appropriate under given circumstances, he has also named them in threes and sixes and sevens or even more elsewhere. From this, the scholars of the Muslim community came to the conclusion that the purpose is not to determine any particular number as a universal statement. Rather, each number mentioned in a *ḥadīth* relates to particular occasions or circumstances where that particular number was deemed appropriate in the given situation.

In a *ḥadīth* of al-Bukhārī and Muslim, the Holy Prophet صلى الله عليه وسلم has been reported to have said: I warn you against the top ones from among the major sins. They are three in number - to associate a created being as a partner in the divinity of Allah, to disobey parents and to give false witness or to lie. In yet another narration of al-Bukhārī and Muslim, it has been reported that someone asked the Holy Prophet ﷺ as to what could be the greatest of all sins. He said: 'That you ascribe partners to Allah although He has created you.' He was then asked as to the greatest of all sins after that. He said: 'That you kill your child for fear of his sharing in your sustenance and that

you will have to feed him.' He was again asked as to the greatest of all sins after that. He said: 'Committing adultery with the wife of your neighbour.' Since the protection of the family of a neighbour is the responsibility of all human beings very much like the protection of one's own family, therefore, the gravity of this crime becomes twofold.

According to yet another *ḥadīth* reported by al-Bukhārī and Muslim, the Holy Prophet صلى الله عليه وسلم said: 'That someone uses abusive language for his parents is also one of the major sins.' Surprised, the noble Companions asked: 'O Messenger of Allah, how is it possible that someone starts using abusive language against his very own parents?' He said: 'Yes. A person abuses the parents of another person as a result of which the later abuses the parents of the former. This too is as if he had abused his own parents, because he was the one who became the cause of those abuses.'

As in a narration of Ṣaḥīḥ al-Bukhārī, the Holy Prophet ﷺ has counted - *shirk* (ascribing partners to Allah), unjust killing, eating up of the property of an orphan by false means, devouring income from interest, deserting the battlefield of *jihād*, false accusation against chaste women, disobedience to parents and the desecration of the Holy Ka'ba - among major sins. In some *ḥadīth* narrations, the eventuality - that a person winds up living in a country of disbelievers (*dār al-kufr*) and emigrates to a country of believers (*dār al-Islām*), but later, leaves the country to which he has migrated and goes back to live into the country of disbelievers - has also been ruled as a major sin.

There are other narrations of *aḥādīth* where some of the forms of behaviour cited below have been included in the list of major sins, such as, taking a false oath, holding back water in excess of one's need and refusing to share it with those who need it, to learn magic, and to practice magic. The Holy Prophet صلى الله عليه وسلم has said, 'Drinking is the greatest of major sins'; he also said: 'Drinking is the mother of all shameful deeds,' because once drunk, man can fall into any conceivable evil. There is another *ḥadīth* where he said: 'The gravest major sin is that one imputes to his Muslim brother a fault which stains his character.' According to one *ḥadīth*, one who brackets two *ṣalāhs* (time-bound prescribed prayers) at one time without an excuse approved by the Shari'ah has committed a major sin. It means that he did not

perform a *ṣalāh* at the time it was due, but performed it as *qaḍā* (missed) prayer along with another *ṣalāh*. Some *ḥadīth* narrations declare that losing hope in the mercy of Allah Almighty is also a major sin; and so it will be in the event if one becomes careless or daring enough to forget all about His punishment and retribution. Another narration rules that making a will to bring loss to an inheritor or to reduce his share in the inheritance is also one of the major sins.

And it appears in a narration from the Ṣaḥīḥ of Muslim that the Holy Prophet صلى الله عليه وسلم once spoke the words: 'Destitutes, losers, they are ruined.' He repeated this three times. Sayyidnā Abū Dharr al-Ghifārī رضى الله عنه asked: 'O Messenger of Allah, who are these unfortunate people?' He replied: 'One: a person who lets his trouser or wrap or shirt or robe hang all the way down below his ankles; two: one who spends something in the way of Allah, then publicizes his favour; three: one who, inspite of his old age, indulges in shameful deeds; four: one who, despite holding a position of authority, tells lies; five: one who, despite having a family, waxes proud; six: one who gives his hand of allegiance in the hands of a worthy Imām or master just for the sake of material gains.

Concluding in the same vein, we refer to another *ḥadīth* from al-Bukhārī and Muslim which proclaims that the back-biter will not be admitted into the Paradise. And a *ḥadīth* in Nasa'ī and the Muṣnad of Aḥmad enlarges on the theme by saying that some kinds of people will not be admitted into the Paradise, that is, the drinker, the disobeyer of parents, the unjustified severer of relations with kinsmen, the publicizer of a favour, the diviner of the unseen through jinns, satans and other mediums and the *dayyūth* (ديوث), a wittol or cuckold who is so contented with his shamelessness that he never stops his wife and family members from going the way of immodesty. And a *ḥadīth* from the Ṣaḥīḥ of Muslim says that *la'nah* or the curse of Allah is for one who sacrifices an animal for anyone other than Allah.

Verses 32 - 33

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ ۚ لِلرِّجَالِ نَصِيبٌ مِّمَّا كَسَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَسَبْنَ ۚ وَاسْأَلُوا

اللَّهُ مِنْ فَضْلِهِ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا ﴿٣٢﴾ وَلِكُلِّ
 جَعَلْنَا مَوَالِي مِمَّا تَرَكَ الْوَالِدِينَ وَالْأَقْرَبُونَ وَلِلَّذِينَ عَقَدْتَ
 أَيْمَانُكُمْ فَاتُوهُمْ نَصِيبَهُمْ إِنَّ اللَّهَ كَانَ عَلَى كُلِّ شَيْءٍ
 شَهِيدًا ﴿٣٣﴾

And do not covet something by which Allah has made some of you excel some others. For men there is a share of what they earned and for women, a share of what they earned. And pray to Allah for His grace. Surely, Allah is All-Knowing in respect of everything. [32]

And for everyone We have made heirs in what the parents and the nearest of kin have left. And as for those with whom you have made a pledge, give them their shares. Surely, Allah is a Witness over everything. [33]

In the injunctions of inheritance appearing previously, it was mentioned that, given the conditions, for a male there is a share equal to that of two females. There are other proved aspects of male precedence as well. So, Sayyidah Umm Salmah رضى الله عنها once said to the Holy Prophet صلى الله عليه وسلم : 'Our share in the inheritance is half. Then, there are such and such elements of difference between us and men...'

Her purpose was not to raise an objection. Rather, she wished to be a man and to deserve the merits restricted for men. There were other women who wished: 'Had we been men, we would have taken part in *Jihād* and the merit of *Jihād* would have been ours.'

A woman asked the Holy Prophet صلى الله عليه وسلم : 'A man gets a double share in the inheritance and the witness of a woman is half as compared with a man - does that mean that we shall be getting a half reward for all of our acts of worship?' Thereupon, the present verse was revealed in which an answer to both these statements has been given. The answer to Sayyidah Umm Salmah was given by 'and do not covet...' and the answer to the last-mentioned woman was given by 'for men there is a share...'

Commentary

Coveting the Unacquirable

In this verse (32), coveting things, traits and merits given to others has been prohibited, for they are not acquirable by effort. The reason is that when a man finds himself lacking in wealth, comfort, beauty, merit, knowledge and similar other states of being, he naturally experiences a surge of envy which urges him to come, at least, at par with that person, or, if possible, be ahead. But, he does not always have the capability or power to make his wish come true because there are merits and excellences which have nothing to do with man's own efforts and acquisitions. They are simply the blessings of nature, for example, being a man or being the scion of a prophet's family or having been born in the family of a ruler or having been born beautiful. So, one who does not have access to these blessings can never obtain them by effort even if he were to spend a whole life-time devoted to that pursuit. A woman cannot become a man, nor can one choose to be born in the family of a prophet, or change his physique - become tall and handsome, acquire all beautiful features of his choice - because, this is not within his power. He simply cannot acquire these in the real sense, no matter how much he struggles with his medicines, treatments and devices. Consequently, when he finds himself incapable of matching the other person, his inner self starts playing with the idea that it would be wonderful if such blessings were snatched away from him (the other person) as well, so that, he too becomes either equal or lower than him. This is envy, a terribly, shameful and damaging trait of human morals, which is the cause of so many disputes, disturbances, killings and ravages in this world.

This verse of the Holy Qur'an closes the doors of disorders by saying: وَلَا تَمَنَّاهُ مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ. It means that Allah Almighty, in His infinite wisdom, has blessed people with all sorts of merits and excellences. He gave someone a particular quality, then gave someone else yet another quality; less to some, more to some others. In this matter, everyone should rest pleased with his or her destiny and stay clear from the envious desire to become the possessor of the other person's merits and excellences, for the end-result of this game of desires is nothing but a biting sense of personal loss, and of course,

that awful sin of envy.

It may sound a little simple, but the truth of the matter is that anyone Allah Almighty elects to be a man should be grateful for it, and anyone He elects to be a woman should be pleased with being just that, realizing that, had she been a man, may be, she could have failed to fulfil the responsibilities placed on a man, and would have thus ended up being a sinner. Then, anyone created beautiful by Allah Almighty should be all the more grateful for having been so blessed; and, anyone lesser in looks should also not grieve thinking of the good that may lie hidden behind this destiny, for being blessed with beauty does not necessarily guarantee good. It might have the recipient land into some unwelcome state of trial or corruption. Again, anyone who is a true lineal descendant of the Holy Prophet صلى الله عليه وسلم should thank Allah Almighty for the great blessing of this lineal connection; and, anyone who does not have this connection should neither worry about it, nor should he go about longing for it, because this is something which cannot be acquired by effort, and if one still insists on coveting it, what he would get involved with will be nothing but sin and the gain he would make would be nothing but a broken heart and an aching soul. So, rather than pine for a lineage one does not have, the best policy is to think about one's own doings. Let these be good and righteous. Once a person enhances himself with such spiritual strengths, he can be ahead of those with higher or better lineage.

Striving to excel others in good deeds is different

There are verses of the Holy Qur'ān and the sayings of the noble Prophet صلى الله عليه وسلم which exhort people to excel each other in good deeds. In other words, this is an open field in which it is all right to look at the trail of merits and excellence left by others. Indeed, people have been persuaded to make all possible efforts to acquire them. Now, this relates to deeds within man's control, and which can be acquired by learning, training and working. For example, if a person is impressed with someone's intellectual merits, practical life and excellent morals, he can, by all means, strive to acquire these qualities. This is very desirable, and praiseworthy. As such, the present verse does not contradict it. In fact, the later part of the same verse (32), that is, لِلرِّجَالِ نَصِيبٌ مِّمَّا كَسَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَسَبْنَ, is actually supporting this view. It

means that men will get a share of what they acquired with their effort and conduct, and the same will be true for women who will get a share of what they acquired with their effort and conduct. One is not likely to miss the hint here - that effort and struggle in the acquisition of merits and perfections do not go waste. On the contrary, every man and woman will definitely get a return, a share of his or her effort. From here, we also know that desiring to have someone's intellectual-moral excellence as combined with his model practical conduct, and then going ahead to see the fruition of these desires through effort and struggle, is certainly desirable and praiseworthy. Removed in the process here is an error which is committed by a lot of people who tend to do things not knowing what they are doing. Some of them become so devoted to their desire to acquire merits which cannot be acquired that they ruin their otherwise peaceful life right here in this mortal world. And if, bad come to worse, they are fired with envy, that is, they start wishing - 'if I do not have this blessing, may this be taken away from the other' - then, the very chances of salvation in the life to come also stand destroyed because of the grave sin of envy committed by him.

Moreover, there are another kind of people as well who lack courage, avoid action, or just have no sense of honour and shame, who do not even try to acquire merits which can be acquired. Such people, when approached with good counsel, would come back immediately, blaming their destiny and fate which is no more than an effort to camouflage their own timidity and inertia. The present verse has resolved this problem by stating a wise and just rule which is: Man's effort is ineffective in acquiring merits which he does not control, such as, being high-born or handsome. Merits like these should be resigned to fate and one must be content with the divinely determined state he is in, and be grateful to Allah Almighty. Coveting anymore than that is absurd, ineffectual, meddlesome - an act which leaves behind nothing but a handful of sorrows.

As for merits which can be acquired by effort, wishing to have them is useful, only if such a wish is supported by the necessary struggle to achieve. Let us keep in mind that the verse carries the promise that the effort so made will not be wasted and everyone will get a share of what he or she worked for.

Referring back to injunctions prohibiting the unjust use of someone's property and the unjust taking of someone's life (29), Tafsīr al-Baḥr al-Muḥīṭ points out that this verse aims to seal the very source of these crimes, and it is for this purpose that instructions have been given to stop people from coveting others who are ahead of them in wealth, comfort or influence. A little thought will reveal that theft, robbery and other illegitimate ways of usurping someone's property, or to kill and destroy, are crimes which sprout from one particular emotional attitude. A person, when he finds the other ahead of him in wealth and other material acquisitions, first feels the pinch in his heart wishing to come at par with him, or even wishes to become superior to him. Then, it is the intensity of this desire which pushes him all the way to go ahead and commit these crimes. The Holy Qur'ān, as said earlier, has blocked the source of these crime by blocking the very desire of the unacquirables and the unobtainables of life.

To ask for Allah's grace is the ideal way

After that, the verse moves on to instruct by saying: **وَاَسْأَلُوا اللَّهَ مِنْ فَضْلِهِ** (And pray to Allah for His grace). It means, 'when you see someone excel in one or the other graces of life,' the ideal conduct is, 'not to wish to come at par with the other person in respect of that particular excellence, but that you should pray to Allah asking for graces and blessings from Him.' The reason is that Allah's grace appears in different forms for everyone. For some, wealth is a blessing from God for, if they were to become paupers, they might have fallen victims to sin and disbelief. For some others, grace lies in the very pecuniary circumstances they are in, for if they were to turn rich, they might have succumbed to thousands of sins. Similarly, for some, grace appears in the form of power and influence, while for some others, the unremembered and the unattended, the grace of Allah manifests itself in that very state. A look at the reality of things around would have told him that power and influence, if these were to be his lot, might have caused his falling into many a sin. Therefore, the verse instructs - when you ask Allah, do not ask for some fixed quality of life, instead, ask for His grace so that He, in his His infinite wisdom, opens the doors of His blessings on you.

Trust His Wisdom and Knowledge

The verse concludes by saying: **إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا** (Surely, Allah is All-Knowing in respect of everything.) Here, the hint is that the arrangement of things made by Allah Almighty is the very quintessence of wisdom and justice. Whoever has been created and sustained in whatever condition it may be is an arrangement perfectly matched with the ideal demand of wisdom and justice. But, man is not fully aware of the consequences of what he does. This is something only Allah knows best and thus He also knows how suitable it is to keep anyone in a given condition.

The law of inheritance: Reiteration of the wisdom in it

While describing the background in which the present verse was revealed, which appears in the introductory remarks preceding the Commentary, it was stated that some women, when they found out that men have been given a share equal to that of two women, wished they were men so that they too would be getting a doubled share. In a relevant manner, the law of inheritance was reiterated in the second verse (33) and it was tersely said that all shares determined therein are based on perfect wisdom and justice. Since human reason cannot encompass the totality of factors that contribute to the order or disorder of the created universe, it is obvious that it cannot arrive precisely at those elements of wisdom which have been taken into consideration in determining the laws of Allah Almighty. Therefore, whosoever has been allotted whatsoever share should be pleased with it, and be grateful for it.

Inheriting through pledge

The giving of a share on the basis of a pledge mentioned at the end of verse 33 refers to a practice during the initial period of Islam. This was later abrogated by the verse **أُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ** (As for the womb - relatives, some of them are closer to some...) (33:6) Now, if other heirs exist, a pledge or mutual contract between two parties does not affect the inheritance in any manner whatsoever.

Verses 34 - 35

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى

بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۖ فَالصَّالِحَاتُ قُنِينَ حِفْظُهُنَّ
لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ
وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا
عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا ﴿٣٤﴾ وَإِنْ خِفْتُمْ شِقَاقَ
بَيْنِهِمَا فَاذْعَبُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا ۚ إِنَّ يُرِيدَا
إِصْلَاحًا يُّوفِّقِ اللَّهُ بَيْنَهُمَا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا ﴿٣٥﴾

Men stand caretakers of women since Allah has made some of them excel the others, and because they have spent of their wealth. So, the righteous women are obedient, guarding in absence with the protection given by Allah. As for women whose disobedience you fear, convince them, and leave them apart in beds, and beat them. Then, if they obey you, do not seek a way against them. Surely, Allah is the Highest, the Greatest. [34]

And if you fear a split between them, send one arbitrator from his people and one from her people. If they desire to set things right, Allah shall bring about harmony between them. Surely, Allah is All-Knowing, All-Aware. [35]

Under injunctions concerning women, appearing earlier, discrimination against them by withholding or wasting their rights was prohibited. Now, the present verses describe the rights of men.

Commentary

Verse 34 opens with an important statement: *الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ* which has been translated as 'men stand caretakers of women.' *Qawwām*, *qayyām* or *qayyim* in Arabic denotes a person who holds the responsibility or has the duty and charge to manage a job or run a system or take care of what has to be done about something, controlling all related factors therein. The standard role of a man, with regard to women, has been mentioned in this verse through the word, '*qawwām*' which has been translated in various ways, the most common being in the sense of '*hākīm*' or one who rules, governs, or decides. Other alternatives used are guardians, custodians, overseers and protectors. When

taken in the sense of a carer, a functional head, and not in the political sense of a ruler or dictator, the 'qawwām' or *hākīm* of the Qur'ān offers a base of understanding from common experience. It is obvious that, for any group-living, big or small, or for any organized system, it is rationally and customarily necessary that the group or system have some head or chief or authority so that he can arbitrate in the event of a difference and take decisions to run affairs smoothly. That such authority is needed in the running of countries, governments and states is universally accepted and practiced. This need, as felt in modern times, was also felt in the older tribal social organizations where the chief of a tribe was taken as the authority for that tribe. Why would a family organization, a micro-sample of the larger organizations, would not need someone to head, maintain and run the system? Of course, the need is there and Allah Almighty, in His infinite wisdom, elected men for this responsibility because their natural capabilities are more pronounced than those of women and children.

This is such an open and obvious fact of human life that no sane human being, man or woman, can say no to it; and its denial does not change reality.

The gist of the matter is that, as seen from *وَالرِّجَالُ عَلَى النِّسَاءِ* (and for men, there is a step above them) and from *الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ* (men stand caretakers of women), the message is that the rights of women are as incumbent upon men as the rights of men are upon women, and the rights of both are similar to each other, with only one exception that men have a certain precedence in functional authority, although this too is hemmed with other balancing factors. As explained in other verses of the Holy Qur'ān, this mantle of authority placed on the shoulders of men is not that of a dictator and a tyrant. While exercising this authority, man is bound by the supreme law of Islam, the Shari'ah. He must act on the principle of consultation and follow good counsel. He just cannot act at the spur of his whim or his wild instincts. The command given to him is: *وَعَائِزٌ زَوْجَهَا بِالْغَيْرِ*. It mean: Treat women well, as recognized.

This aspect of having mutual consultation appears in another verse (2:233) where it was said: *عَنْ كَرَاهٍ مِنْهُمَا وَتَشَاوُرٍ*. Here men have been instructed to act in consultation with wives in family affairs. After this

clarification, the technical authority of man should not be a source of heart-burning for women. Still, in view of the probability that women may take this arrangement unhappily, Allah Almighty did not restrict the text on proclaiming the authority of man, but explained two reasons for this authority. One reason relates to the wisdom of creation which is beyond the control of any human being, and the other refers to a factor which comes through one's efforts and endeavour.

The first reason has been mentioned in the words: **يَا نَصَلَّ اللَّهُ بَعْضَهُمْ** **عَلَى بَعْضٍ** It means that Allah Almighty has made some excel the others (in some qualities) under His exclusive wisdom and consideration. This is like the sacred environs of Makkah where a particular House of Worship was declared by Allah as His House and Qiblah (the orientation), and in Jerusalem, a special honour was given to the Bayt al-Maqdis. Similar is the case with the precedence of men. This is a God-given grace. Men have done nothing to get it and there is nothing wrong with women that they do not have it. It is simply based on the wisdom of creation, an exclusive privilege of the Creator.

The second reason relates to what is achieved with effort. This reason is pointed out by the words **وَمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ** which mean that men spend their money, pay dower and take the responsibility of meeting all needs of women. Hence, the precedence.

At this point, a comment from Ibn Hibbān in al-Baḥr al-Muḥīṭ, is worth attention. He says, 'These two reasons in support of the authority of men also prove that the right to authority does not get to be established simply by force. Rather, this right can be deserved on the basis of one's competence and capability.'

The Qur'ānic eloquence in describing the precedence of men

It is noteworthy that the Holy Qur'ān, while giving the first reason for the precedence of men, has not opted for an expression like **نَصَلَّ اللَّهُ** - **عَلَيْهِمْ** : 'because He made men excel women', On the contrary, it has elected to give a deeper significance to the statement by using the expression: **بَعْضُهُمْ عَلَى بَعْضٍ**, that is, 'made some of them excel the others'. The wisdom here is not difficult to see. The Arabic expression **بَعْضُهُمْ عَلَى بَعْضٍ** has a subtle indictment to the fact that men and women are part of each other. Therefore, there is a hint that the precedence of men, even if proved in one or the other field, will not go beyond being similar to

the precedence of man's head over his hand, or of his heart over his stomach. So, just as the precedence of man's head over his hand does not diminish the role and the importance of the hand, similarly, the precedence of man does not cause any lowering of the status of women, because both of them are parts of each other's body - if man is the head, woman is the body.

Some commentators identify yet another hint here. According to them, this precedence men have over women is in terms of genus. As far as individuals are concerned, it is quite possible that a woman may excel a man in her qualities and practical accomplishments, so much so that a woman may be superior to some individual men even in the qualities of a care-taker.

The role of men and women: The principle of function

The second reason given for the precedence of men, is that they spend their earnings to take care of women. Here too, there are some points to ponder. To begin with, it removes the possible doubt that may creep up due to the share of men being twice that of women as described in the verses of inheritance. This is done by the present verse when it declares that all financial responsibilities rest with men. As for women, all her financial responsibilities before her marriage rest with her father and after marriage, these pass on to the husband. With this in view, giving a twofold share to a man is not really too much, for it zooms back to women after all.

Now let us pursue the second hint about an important principle in life. The principle is that woman, in terms of her creation and nature, should not be subjected to go out, work and earn her own livelihood. Also, the very attributes of her being are hardly conducive to her running around offices and markets, doing jobs and laborious work to earn a livelihood. So, to keep her safe from roughing it out like men, Allah Almighty has placed her total responsibility on men. Before she is married, her father takes care of her, and after her marriage, she becomes the responsibility of her husband. Woman, as opposed to her sweating it out in the work places in the name of income, career or liberation, has been made the means of human procreation. Then, the responsibility of being mothers of children and that of managing and holding the house and the family together has also been placed on her

shoulders. Man cannot handle the burdens of responsibilities in these areas.

Keeping this in view, it is not possible to deduce that the status of women has been reduced by making them dependent on men in the matter of her expenses. There is no value judgement being made here. This is no more than a functional distribution of duties, except that, the inter-acting precedence between duties which exists elsewhere exists here too. In short, the two reasons given show that the precedence of men does not lower the status of women, nor does this hold any special gain for them. Whatever gain there is, it reverts back to women after all.

The profile of a good wife

The verse begins, with a working rule - that man is charged with a duty-bound authority over women. The text then describes women, the good ones and the bad ones. It says: **فَالصَّالِحَاتُ قَنَاطٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ**. It means that women who are righteous accept this rule of the precedence of men and obey them, and when they are not with them, they stand guard on their own selves, as well as on what the husband has earned for the family. It goes without saying that the protection of the personal honour and modesty of a woman, and that of everything else in the house under her charge are basic to the happiness that lies behind a successful home management. Although the duty of a woman to guard herself and to look after the home is not restricted to a situation where the husband is not at home, but is equally applicable during his presence also, yet the Holy Qur'an has mentioned the state of his 'absence' only, because it is in the absence of the husband that a woman is more susceptible to showing negligence; therefore, this situation has been mentioned in express terms. The message is that what has to be avoided is showing a lot of concern and alertness while men are present in the house, but neglecting to abide by these rules of conduct when they are out of sight.

It was, most probably, in explanation of this verse that the Holy Prophet صلى الله عليه وسلم said:

خَيْرُ النِّسَاءِ امْرَأَةٌ إِذَا نَظَرْتُ إِلَيْهَا سَرَتَكَ، وَإِذَا أَمَرْتُهَا أَطَاعَتْكَ، وَإِذَا غُبْتُ عَنْهَا حَفِظَتْكَ فِي مَالِهَا وَنَفْسِهَا

"The best of women is a woman who, when you look at her, makes you pleased with her; and when you ask her to do something, she obeys you; and when you are absent, she guards her self, and her belongings."

Since these responsibilities placed on women, that is, the guarding and protection of their modesty, and of what the husband leaves in her charge, are not that easy to take care of, therefore, Allah Almighty has, immediately after it, declared: **بِمَا حَقَّ اللَّهُ** that is, Allah Almighty helps women when they so protect. It is with His support known as the *Taufiq* of Allah, that they succeed in grappling with these heavy responsibilities. Had this not been there, the temptations of self and satan stand surrounding every man and woman all the time. Then, women are particularly weaker in some areas of capabilities as compared to men, yet, when it comes to carrying out these responsibilities, they tend to be much stronger than men. All this is an outcome of Allah's *Taufiq* and help. This is the reason why women, as a general rule, are less involved in sinful immodesties as compared to men.

The merit of women who cooperate with their husbands, as evident from this verse, has also been widely reported in several *ahādīth*. In one such *hadīth*, the Holy Prophet صلى الله عليه وسلم said that, for a woman who is dutiful to her husband, there are birds in the air and fish in the sea and angels in the skies and beasts in the forests who pray for her forgiveness by the Lord. (al-Bahr al-Muhit)

How to correct an uncooperative wife

The text turns to women who are either straight disobedient to their husbands or fail to cooperate with them in running family affairs in the recognized manner. The Holy Qur'an gives men three methods of correcting their behaviour. These are to be followed in the order they have been mentioned. So, the verse says: **وَالَّذِينَ تَخَافُونَ يُشْرِكُونَ فَأَعْلَوْهُنَّ فَعَظُمْنَ** **وَالَّذِينَ تَخَافُونَ يُشْرِكُونَ فَأَعْلَوْهُنَّ فَعَظُمْنَ** It means: If you fear or face disobedience from women, the first step towards their correction is that you should talk it over with them nicely and softly. Still, if they remain adamant and do not change their attitude by conciliatory counsel alone, the next step is not to share the same bed with them, so that they may realize the displeasure of the husband as expressed through this symbolic separation, and may feel sorry for their conduct. The Holy Qur'an uses the

words: **فِي الْمَضَاجِعِ** at this point, meaning 'in beds'. It is from here that Muslim jurists have deduced that this staying apart should be limited to 'beds' and not to the 'house' itself. In other words, the woman should not be left alone in the house, something which is bound to hurt her feeling much more and which makes the possibility of further straining of relations far stronger.

A Companion reports:

قُلْتُ يَا رَسُولَ اللَّهِ مَا حَقُّ زَوْجَةٍ أَحَدِنَا عَلَيْهِ قَالَ: أَنْ تُطْعِمَهَا إِذَا أَطْعَمْتَ
وَتَكْسُوَهَا إِذَا اكْتَسَيْتَ، وَلَا تَضْرِبَ الْوَجْهَ وَلَا تَقْبَحَ وَلَا تَهْجُرَ إِلَّا فِي الْبَيْتِ

(مشكوة، ص ٢٨١)

I said: 'O Messenger of Allah, what right do our wives have on us?' He said: 'That you feed them when you eat; provide them with apparels to wear when you have these for yourselves; and do not hit the face; and do not say abuses to her; and do not leave them apart unless it be within the house. (Mishkāt, p.281)

If this gentle admonition fails to produce any effect, some corrective form of a little 'beating' has also been allowed as a last resort, of course, in a manner that it does not affect the body, nor goes to the undesirable limits of hurt or injury to the skin or bones. As for slapping or hitting on the face, it is absolutely forbidden.

The first two methods of admonition, that is seeking to convince and leaving apart in beds, are more or less an exercise in nobility against arrogant lack of compromise. Prophets and their righteous followers have spoken in favour of it. That they practiced what they preached is also a proved fact. But, this third method of admonition, that is, beating, has been permitted as a forced option in a particular mode. Right along with this option given to men, it appears in *ḥadīth*: **وَلَنْ يَضْرِبَ خِيَارُكُمْ** which means that 'good men among you will never beat women.' Thus, such an action is nowhere reported from the blessed prophets of Allah.

According to a narration from the daughter of Sayyidnā Abū Bakr **رضي الله عنه** as reported by Ibn Sa'd and al-Baihaqī, the beating of women was absolutely prohibited in the early days, but this resulted in their becoming much too oppressive, following which the permission was

reinstated.

The present verse relates to one such event, which can be termed as the background of its revelation. Sayyidnā Zayd ibn Zuhayr رضى الله عنه had married his daughter, Sayyidah Ḥabībah رضى الله عنها to Sayyidnā Sa'd ibn Rabi' رضى الله عنه. During a dispute over something, the husband slapped her. Sayyidah Ḥabībah complained to her father. He took her to the Holy Prophet صلى الله عليه وسلم. He declared that Ḥabībah has the right to hit Sa'd as hard as he did. Hearing this decision of their master, they started back home to take their revenge upon Sa'd. Thereupon, this verse was revealed in which the beating of women as the very last option has been permitted, and no retaliation or revenge against men was allowed. So, soon after the revelation of this verse, the Holy Prophet صلى الله عليه وسلم called both of them back and asked them to abide by the injunction from Allah Almighty, and abrogated his first directive permitting the seeking of revenge.

Towards the end of the verse, it is said: 'Then, if they obey you, do not seek a way against them'. It means that should the women mend themselves after that triple-stepped approach, men should forgive and forgo the past events and avoid looking for ways to find fault with them on flimsy issues as the power of Allah controls everything.

Conclusions

What comes out as a basic principle from this verse is that, no doubt the rights of men and women are similar as detailed in previous verses, yet great care has been taken to ensure that the rights of women are duly fulfilled because they are weaker as compared to men and cannot wrest rights from men by using their physical power. But this equality in rights does to mean that there should be no difference of given graces or functional precedences between men and women. That men have been given a degree of precedence over women is a manifestation of Divine wisdom and justice. There are two reasons for it:

1. The genus of man, in view of its mental-physical excellences, has God-given precedence over the genus of woman, which is not possible for the woman to acquire. The case of individuals and rarities is a different matter.

2. Men take care of everything women need from what they earn and have. The first reason given above is something over which men or women have no control, while the second reason is something which becomes operative by choice and effort. It can also be said here that according to the commonsense and justice, there should be two things present while deciding as to who, from among the children of one father and mother, shall be technically authorized to take care of the other. First: Whoever is so authorized should have the mental-physical capability to carry out the demands of authority. Second: The agreement and pleasure of the one to be taken care of under such authority. The first reason mentioned by the Holy Qur'an (in the words **بِمَا نَفَّلَ اللَّهُ** بِمَا نَفَّلَهُمْ عَلَىٰ بَعْضِ) focuses on the ability of man to function with authority while the second reason (mentioned in the words **وَبِمَا أَسَفَرُوا مِنْ أَمْرِهِمْ**) refers to the agreement and pleasure of the party which would operate under that authority. It is obvious that at the time of marriage when a woman, in consideration of her dower and total maintenance, agrees to enter into the marital bond - she agrees to the authority of the husband and accepts it with pleasure.

In short, the principle of family life given in the first sentence of the present verse is that, despite the rights of men and women being equal in almost everything, there is, for men, a certain precedence laced with authority vis-a-vis women, and they operate thereunder.

Under this basic principle, there came to be two classes of women in practical life. One of them stood by this basic principle, abided by their covenant, accepted the functional authority of man and obeyed him in deference to the wise Divine arrangement. Then there was the other class of women which failed to live by this principle in its fullness. As for the first-mentioned class, it provides for itself a perfect guarantee of family peace and well-being. It needs no correction of course in its life.

Such correction is, however, very much in order for the second class of women. For this purpose, the second sentence of the verse offers a compact system which would help correct things within the four walls of the house and the tussle between the husband and the wife would be diffused and settled for good right there without any third party having to intercede in between them. So, men have been

told: If you sense some lack of cooperation from women, the first thing you should do is to talk to them explaining things in a way which helps change their mind and attitude. If that works, the issue is resolved right there. The woman is rescued from a permanent sin and the man from an aching heart, and the two of them from some ever-stinging anguish. Now, if this person-to-person talk fails to bring results, the second stage is to sleep on a separate bed as an indicator of your displeasure, and may be as a device to bring about a change of attitude through the sending of a warning signal. This is ordinary admonition but good enough for a warning. If the woman gets the message, the dispute ends right there. But, if she ignores even this soft measure of correction and persists with her crooked ways, there is the third step in which token beating is also permitted, the extreme limit of which is that it should produce no effect on the body. The use of this method of admonition (beating of woman) was not liked by the Holy Prophet صلى الله عليه وسلم who, quite on the contrary, said that gentlemen would not do that. However, if this token reprimand as the last resort does result in normalcy of relations, the main objective stands achieved anyway. That men have been given three options to correct women in this verse is coupled with the words **فَإِنْ أَطَعْتُمُ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا** said at the end of it. It means that, should the women start listening to you after these three-step ways of correction, do not go for hair-splitting and start levelling more accusations. The better course is to forgo, realizing that the measure of precedence over women given to you by Allah Almighty is not absolute, for the precedence of Allah Almighty hangs heavy over you. If you exceed the limits set for you, it will be you who is going to take the punishment.

The role of the family arbitrator in disputes

The arrangement described so far was to help tempers cool off within the privacy of the house keeping it restricted to the married couple. But, there are times when the family feud becomes long-drawn. It may be because the woman is temperamentally obstinate and contumacious, or it may be the fault of the man who may have been unjustly oppressive. Whatever it actually is, one thing is certain that the unfortunate tussle will not remain restricted within the four walls of the house; it will definitely spread out. Then, as usual, supporters of one party will go about maligning the others with all sort

of accusations. This will cause tempers of parties to rise and what started as the disagreement of two individuals will turn into a confrontation between two families.

It is to block the road to this terrible discord that, in the second verse, the Holy Qur'an addresses government authorities of the time, the guardians of the parties concerned and their supporters, and the general body of Muslims, and suggests a decent method which would cool down tempers, shut out avenues of accusations and make a compromise between the affected parties possible, so that the dispute which, no doubt, could not remain restricted to the couple's home, would at least be settled within their families and not go to a court of law to become public knowledge.

This particular method requires that concerned officials of the government or the guardians of the parties or a body of Muslims which has the necessary integrity, influence and authority should take charge and appoint two arbitrators to help bring about a compromise between the parties concerned - taking one arbitrator from the man's family and the other from that of the woman. At both these places, the Holy Qur'an has used the word, "*hakam*" for these appointees whereby it pin-points the necessary qualifications of these two persons, that is, they should have the capability to decide the dispute between the two parties; and this capability, as obvious, will be found in a person who is both knowledgeable and trustworthy.

In short, the rule that emerges from here is that a "*hakam*" or arbitrator from the man's family and another from that of the woman should be appointed and sent to the husband and wife. Now, as for what they are going to do when they meet them and as to what rights they have in this matter - this the Holy Qur'an does not determine. However, it does add a remark at the end: *إِنْ بَرَدْتُمْ أَصْلًا فَرُفِقَ إِلَهُ بَيْنَهُمَا* which means: If these two arbitrators desire to set things right, Allah Almighty will help them bring about harmony between the husband and the wife. So, two things emerge from this sentence:

1. If both arbitrators have good intentions and genuinely wish to bring about peace between the dissenting couple, there will be unseen help from Allah Almighty and they shall succeed in their mission, and it will be through their efforts that Allah Almighty will create love and

harmony in the hearts of the couple. This leads to the conclusion that, in cases where mutual rapport is not restored, it may be because one of the arbitrators lacks perfect sincerity while pursuing the goal of peace-making.

2. The purpose of appointing these two arbitrators, as also understood from this sentence, is to bring about peace and amity between the husband and the wife and does not include anything beyond that. However, it would be something else if the parties affected by the mutual dispute agree to appoint these two arbitrators as their representatives and their attorneys in all respects in which case they would be admitting that any decision given by the two arbitrators jointly will be acceptable to and binding on both of them. Under this situation, the two arbitrators shall have absolute authority to decide their case. If both agree on divorce as the solution, they can effect a divorce. If they both decide that the women should be released under *khul'*, a form of dissolution of marriage, the *khul'* shall come into effect, and their decision shall be binding on the parties. From among the pious elders, this is the position held by Ḥasan al-Baṣrī and Imām Abū Ḥanīfah. (Rūḥ al-Ma'ānī, etc.)

Cited in this connection is an incident which occurred in the presence of Sayyidnā 'Alī كرم الله وجهه. There too, one finds the proof that the two arbitrators referred to above do not have any intrinsic right other than that of making peace between the husband and wife - unless, of course, the parties concerned authorize them fully to decide as they deem fit. This incident, as narrated by 'Ubaidah al-Salmānī, appears in the Sunnan of al-Baihaqī and is being reported below.

A man and a woman came to Sayyidnā 'Alī كرم الله وجهه along with groups of people accompanying both. Sayyidnā 'Alī asked them to appoint an arbitrator, one from the man's family and another from the woman's. When arbitrators were appointed, he addressed them both: 'Do you know your responsibility? Do you know what you have to do? Hear me. If both of you agree to keep the husband and wife together and make peace between them, then do it. And if you come to the conclusion that matters cannot be set right between them or that they will not stay right later on, and both of you concur with the option that a separation between them is the expedient course, then do it.' When

the woman heard this, she said: 'I accept this. Let these two arbitrators act in accordance with Divine law and I shall accept any decision they give whether it meets my wishes or goes against.' But, the husband said: 'Separation and divorce are things I am not going to accept under any condition. However, I authorize the arbitrators to ask me to pay whatever financial penalty they impose and let my wife return to me in peace.' Sayyidnā 'Alī عليه السلام said: 'No. You too should authorize the arbitrators in the same manner as was done by the woman.'

From this incident, some *mujtahid Imāms* deduced the principle that these arbitrators have an inherent authority to divorce as was done by Sayyidnā 'Alī who asked the parties concerned to do that, while the great Imām Abū Ḥanīfah and Ḥasan al-Baṣrī have taken the position that, had it been an inherent power of the arbitrators to divorce there was no need for Sayyidnā 'Alī to obtain the authorization from the parties concerned. Here, the very effort to seek the agreement of the parties is a proof of the fact that these arbitrators do not have such an inherent power. Nevertheless, they do become authorized if the husband and wife delegate the necessary authority to them.

This teaching of the Holy Qur'ān opens a new outlet of resolving mutual disputes, something which saves people from the botheration of going to courts and government officials and gives them an opportunity to iron out a good deal of their disputes and claims through family-oriented arbitration.

Arbitration in other disputes as well

Muslim jurists say that the appointment of two arbitrators to make peace between two parties in dispute, is not limited to the disputes between a husband and a wife. It can be profitably used in other areas of discord. In fact, it should be so used, specially when the parties involved are related to each other, because a court decision is a short-term solution of the basic problem. What happens after is that such decisions leave the germs of hatred and hostility in the hearts of those affected and which reappear after a passage of time in forms that are much too unpleasant. Sayyidnā 'Umar, may Allah be pleased with him, had promulgated an order for his judges which said:

رُدُّوا الْقَضَاءَ بَيْنَ ذَوِي الْأَرْحَامِ حَتَّى يَصْطَلِحُوا فَإِنَّ فَضْلَ الْقَضَاءِ يُورِثُ
الضَّغَائِنَ (معين الحكام، ص ٢١٤)

"Send disputes between relatives back to them so that they make peace with the help of each other, as a court decision breeds heart burnings and hostility.

Although this Faruqī directive concerns disputes rising in between relatives, yet, the reason given in this directive (that is, court decisions tend to create hatred and hostility in hearts) is a reason which covers not only the relatives but non-relatives as well. Wisdom lies in saving all Muslims from mutual hatred and hostility. Therefore, the Muslim jurists are of the view that it is appropriate for officials and judges that they, before hearing the cases formally, should make an effort to find a way out whereby the disputing parties get together and agree on mutual conciliation. (See al-Tarāblusi, Mu'in al-hukām p.214 and also Ibn al-Shahnah: Lisān al-hukām).

Though brief, yet these two verses present a comprehensive system of family life which, if put into practice, could help eliminate a lot of disputes, hatreds and hostilities from the world. Men and women would live in peace among their families, secure against all those local dissensions which turn into all sorts of tribal, racial, national, even international feuds.

In the end, let us recapitulate the great Qur'ānic mechanism of how to quash family feuds - a virtual gift to the whole world:

1. Resolve family disputes within the house using one method after the other.
2. When this is not possible, government officials or the kinsfolk make peace between the disputing parties through two arbitrators, so that, the dispute does not go out of the larger family circle, even if it goes out of the house itself.
3. When this too is not possible and the matter goes to the court finally, it is the duty of the judicial authority to investigate into the case background of both parties and come up with a decision which is just.

It may be noted that by saying إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا (Surely, Allah is All-

Knowing, All-Aware) warning has been given to the two arbitrators as well to the effect that they should keep in mind that no injustice or crookedness from them will go unnoticed for they shall be appearing before the Being who knows all and is aware of everything.

Verses 36 - 38

وَاعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي
الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ
وَالصَّاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ ۚ وَمَا مَلَكَتْ أَيْمَانُكُمْ ۚ إِنَّ
اللَّهَ لَا يُحِبُّ مَن كَانَ مُخْتَالًا فَخُورًا ﴿٣٦﴾ الَّذِينَ يَبْخُلُونَ وَ
يَأْمُرُونَ النَّاسَ بِالْبُخْلِ وَيَكْتُمُونَ مَا آتَاهُمُ اللَّهُ مِنْ فَضْلِهِ
وَأَعْتَدْنَا لِلْكَافِرِينَ عَذَابًا مُّهِينًا ﴿٣٧﴾ وَالَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ
رِئَاءَ النَّاسِ وَلَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ ۚ وَمَن يَكُنِ
الشَّيْطَانُ لَهُ قَرِينًا فَسَاءَ قَرِينًا ﴿٣٨﴾

And worship Allah and do not associate with Him anything, and be good to parents and to kinsmen and orphans and the needy and the close neighbour and the distant neighbour and the companion at your side and the wayfarer and to those owned by you. Surely, Allah does not like those who are arrogant, proud, [36] those who are miserly and bid people to be miserly, and conceal what Allah has given them of His grace -- and We have prepared for the disbelievers a humiliating punishment [37] -- and (for) those who spend their wealth to show off before people and do not believe in Allah and the Last Day. And for whomsoever Satan is a companion, then, evil he is as a companion. [38]

Sequence

It will be noticed that human rights have remained the main focus of attention since the beginning of the present Sūrah upto this point. These related to orphans, the women and inheritance. Taken up now are rights of parents, relatives, neighbours and those of human beings in general. Since a perfect fulfillment of these rights is possible only at

the hands of a person whose orientation to Allah, His Messenger and to the answerability of the Last Day is correct and strong, and who avoids miserliness, arrogance and affectation, being impediments to all positive efforts, the text presents the need to believe in the Oneness of Allah, to avoid any association with His pristine divinity, and to stay away from the rejection of the meeting on the Last Day. Also taken to task are ways of the disbelievers who disobey the Messenger of Allah and revel in their miserliness.

Commentary

The reason why *Tauḥīd* precedes rights

There are many wise considerations in opening the roster of rights with the exhortation to worship Allah alone and not to associate with Him anything in that worship. One of these, and a basic one indeed, is having the fear of Allah and the conscious concern to fulfill His rights. A person who is neglectful on that score can hardly be expected to remain particular about fulfilling the rights of anybody else. He will find one or the other excuse to satisfy his immediate circle of relatives and friends, to keep his prestige in the society or to escape the law of the government. What really forces him to honour human rights, watched or unwatched, is nothing but the fear of Allah and the sense of responsibility before Him. This fear and this *taqwā* is achieved through nothing but *tauḥīd*, the firm belief in the Oneness of Allah to the total exclusion of everything else in that unicity. This is why it was appropriate to remind man about the Oneness of Allah and the need to worship Him before describing the rights of relatives and others.

The rights of parents come first after the message of *Tauḥīd*

By taking up the rights of parents immediately after the command to worship Allah as is His due, it is being suggested that, no doubt all blessings and favours are really from Allah Almighty, yet seen in terms of worldly means, the frequency of favours received by man, closest next to those of Allah Almighty, are those he receives from his parents. This is because they are, given the chain of causation, the very fountain-head of their being. And in all those stages of trial from the birth of a child to his young age, the parents are the ones who take care of the being, sustenance and growth of man to the best of their ability and God-given means. This is why the command to worship and

obey Allah has also been supplemented with the mention of the rights of parents at other places in the Holy Qur'an. At one place it is said: *أَنِ اشْكُرْنِي وَلِوَالِدَيْكَ* (Be grateful to Me, and to your parents.) (31:14). At another place, it is said: *وَإِذْ أَخَذْنَا مِيثَاقَ بَنِي إِسْرَءِيلَ لَا تَعْبُدُونَ إِلَّا اللَّهَ وَبِالْوَالِدَيْنِ إِحْسَانًا* (And when We made the children of Isra'il take a pledge: You shall not worship anyone but Allah; and to parents you shall be good...) (2:83).

In the verses quoted above, the text does not say that one should fulfil the rights of parents or serve them. The word used here is *Ihsān* (doing good) which, being far more comprehensive, includes spending to support them as needed, to be of service to them physically when so required, not to talk to them in a voice too sharp or too loud causing disrespect, not to say anything to them which may break their heart, and not to treat their friends and well-wishers in any manner which hurts them. On the contrary, one should do everything possible to comfort and please them. Even if the parents have fallen short in fulfilling the due rights of children, the children should never take it as an excuse for their own ill-treatment.

Sayyidnā Mu'adh ibn Jabal رضى الله عنه says that, out of the ten things the Holy Prophet صلى الله عليه وسلم had asked me to be particular about, one was: 'do not associate anyone with Allah even if you are killed or burnt alive'; and the second was: 'Do not disobey or hurt your parents even if they ask you to leave your children and family.' (Musnad Ahmad)

Besides the great emphasis laid on obedience to parents and on treating them well as in the sayings of the Holy Prophet صلى الله عليه وسلم there are countless merits and grades of reward promised for those who do so. A *ḥadīth* in al-Bukhārī and Muslim reports that the Holy Prophet صلى الله عليه وسلم said: 'One who wishes to have his earnings and life increased by the blessing of Allah should fulfill the rights of his relatives.' A narration in Tirmidhī says: 'The pleasure of Allah lies in the pleasure of the father and the displeasure of Allah, in the displeasure of the father.' Al-Baihaqī reports in Shu'ab al-Īmān that the Holy Prophet صلى الله عليه وسلم said: 'When a son who is obedient to his parents looks at them with love and regard, every glance of his brings forth for him the reward of an accepted Hajj.' According to another narration from al-Baihaqī, the Holy Prophet صلى الله عليه وسلم said: 'Allah

Almighty forgives most sins but one who disobeys and hurts his parents is condemned to face all sorts of unforeseen troubles right here in this mortal world, much before the ultimate reckoning of the Hereafter.'

The emphasis on treating relatives well

After having mentioned parents, the verse emphasizes the good treatment of all relatives. A very comprehensive and well-known verse of the Qur'an which the Holy Prophet صلى الله عليه وسلم very often used to recite at the end of his sermons, presents the same subject in this manner:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ

Still recited in the *Khutbah* during Friday prayers all over the world, the verse means: 'Allah commands you to do justice and be good to all and to fulfill the rights of the relatives. (16:90)' This includes serving relatives to the best of one's ability, as well as keeping in touch with them. Sayyidnā Salīm ibn 'Āmir رضى الله عنه reports that the Holy Prophet صلى الله عليه وسلم said: '*Sadaqah*, when given to the poor and needy, surely brings the reward reserved for such charity, but, when given to a kinsman, it brings a twofold reward - one for the charitable giving and the other for having fulfilled the rights imposed by kinship.'

(Musnad Ahmad, Nasāi, & Tirmidhī)

Let us keep in mind that the need to fulfill the rights of parents is the first priority followed by that of relatives in general.

The rights of the orphans and the needy

The third group mentioned in the verse is that of 'the orphans and the needy' whose rights were already taken up in some detail earlier in the Sūrah. But, by recalling it under the general head of relatives, the hint given is that one should consider helping orphaned children and helpless people as necessary as one would do for his or her own relatives.

The rights of the neighbour

Then appears 'the close neighbour' at number four, and the distant neighbour, at five. The Arabic word, '*al-jār*' means 'the neighbour'. The verse describes its two kinds - the close and the distant. These two kinds have been explained variously by the noble Companions may

Allah be pleased with them all.

Generally, commentators say that 'a close neighbour' is one who lives next to your house, and 'the distant neighbour' is one who lives at some distance from it.

Sayyidnā 'Abdullāh ibn 'Abbās رضى الله عنهما said that 'a close relative' means one who is a neighbour and a relative at the same time which makes him the holder of two rights; and 'the distant neighbour' means one who is simply a neighbour and is no relative and who has, therefore, been mentioned later.

Some commentators have said that 'a close neighbour' is one who is part of the Muslim community and is a Muslim while 'a distant neighbour' refers to a non-Muslim neighbour.

The truth of the matter is that the words of the Holy Qur'ān lend to all these probable meanings. It is no doubt reasonable and lawful to have a difference in degrees between different neighbours, either on the basis of their being relative or non-relative, or on the basis of their being Muslim or non-Muslim. However, it is agreed upon that a neighbour, close or distant, related or unrelated, Muslim or non-Muslim, has the essential right that he be helped and cared for to the best of one's ability.

However, a person who has some other right as well, besides his right as a neighbour, he will have a degree of precedence as compared to others. The Holy Prophet صلى الله عليه وسلم has himself explained this when he said: 'Some neighbours have one right, some others have two, still some others have three. The neighbour with one right is a non-Muslim with no bond of kinship; the neighbour with two rights is not only a neighbour but a Muslim too; the neighbour with three rights is a neighbour, a Muslim and a relative, all in one. (Ibn Kathīr)

The Holy Prophet صلى الله عليه وسلم said: 'Jibrā'īl has always been telling me to be helpful and caring with one's neighbour, so much so that I started thinking that may be the neighbours will also be included as sharers in inheritance. (al-Bukhārī and Muslim)

According to a narration in al-Tirmidhi and the Musnad of Aḥmad, the Holy Prophet صلى الله عليه وسلم said: 'The best and the most superior is the best in relationship with his neighbours'. And a *ḥadīth* in the

Musnad of Aḥmad reports: 'It is not permissible for a neighbour to eat his fill while his next door neighbour is hungry.'

The right of the Companion at your side

Mentioned at number six is 'the companion at your side'. Translated literally, it includes a travel companion sitting by your side in a rail compartment, an aeroplane, a bus or a car. It also includes a person who is sitting with you in any common meeting.

The way the Shari'ah of Islam has made the rights of regular neighbours, close or distant, a matter of obligation, it has likewise made equally obligatory the right of good company enjoyed by a person who sits next to somebody for a little while in some meeting or journey - which includes everyone, Muslim or non-Muslim, related or unrelated, as equals. The instruction to treat such a person nicely is significant, the lowest degree of which is that you cause no pain to anyone with your word or deed, you say nothing which may hurt the feelings of the other person, you do nothing which embarrasses, annoys or troubles him, such as, a puff of cigarette blown towards his face, or a spit of things chewed deposited by his side, or a style of sitting which leaves very little space for the other person to sit.

No wonder, if people started following this instruction of the Holy Qur'an, the common disputes between passengers of trains, particularly in countries with overcrowded modes of transportation, would be all over - if everyone were to think that he needs just about enough space to seat one person. This much is his right, but he does not have the right to occupy anymore space beyond that. The person sitting next to him has as much right to sit in that train as he does.

Some commentators have said that 'a distant neighbour' includes everyone who works by your side in some job or vocation, in industry or wage-earning, in office work, whether on the station of duty, or in travel. (Rūḥ al-Ma'ānī)

The right of the wayfarer

This appears at number seven. A wayfarer is a person who, during your travel status, comes to you, or becomes your guest. Since this stranger Muslim or non-Muslim has no relative or friend around in the given situation, the Holy Qur'an by considering his predicament as a

human being - has made the fulfillment of his right too as something obligatory. It means that one should treat him well, as much as possible and convenient.

The rights of bondmen, bondwomen, servants and employees

Concluding the list at number eight, it is said: **وَمَا مَلَكَكُمُ آبَاؤُكُمْ** (and those owned by you) which means bondmen and bondwomen owned. Their right too - that they be treated well - has been made equally obligatory. It means that one should not fall short in making sure that they have food to eat and dress to wear, and also that they are not burdened with jobs beyond their ability to handle.

Though, given the lexical meaning of the verse which is clearly referring to 'the owned', that is, the bondmen and bondwomen, but as based on the same analogy and on the sayings of the Holy Prophet ﷺ these rules cover servants and employees as well, for they too have the same right. There should be no niggardliness or delay in giving them their due salary, meals and so forth, and also that they are not burdened with jobs beyond their ability.

Arrogance hinders the fulfillment of rights

The last sentence of verse 36: **إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَالًا فَخُورًا** (Surely, Allah does not like those who are arrogant, proud) is really a unifying complement of what has been said immediately earlier. In other words, anyone falling short of fulfilling the rights of the eight kinds of people serially mentioned earlier, must be none else but the arrogant and the proud - those who have an offensively heightened sense of superiority and those who love lording over others to exact esteem from them. May Allah keep all Muslims safe from it.

There are many *ahādīth* carrying stern warnings against arrogance and pre-Islāmic vainglory:

عن ابن مسعود رضي الله عنه قال قال رسول الله ﷺ لا يدخل النار احد
فى قلبه مثقال حبة من خردل من ايمان ولا يدخل الجنة احد فى قلبه مثقال
حبة من خردل من كبر (مشكاة ص ٢٣ بحواله مسلم)

Sayyidnā Ibn Mas'ūd رضي الله عنه has narrated that the Holy Prophet ﷺ said: 'A person who has in his heart faith worth the weight of a mustard seed will not go to the Hell; and a person who has in his heart arrogance worth the weight of a

mustard seed will not go to Paradise.' (Mishkāt, p. 433, vide Muslim)

Quoted here is another *ḥadīth* which also carries a definition of arrogance:

عن ابن مسعود رضى الله عنه قال قال رسول الله ﷺ لا يدخل الجنة من كان فى قلبه مثقال ذرة من كبر فقال رجل ان الرجل يحب ان يكون ثوبه حسنا ونعله حسنا ، قال إن الله تعالى جميل يحب الجمال ، الكبر بطر الحق وغمط الناس (مشكاة ص ٤٣٣ بحواله مسلم)

Sayyidnā Ibn Mas'ūd رضى الله عنه has narrated that the Holy Prophet صلى الله عليه وسلم said: 'Whoever has in his heart arrogance worth the weight of a particle will not go to Paradise.' Then, someone asked: 'How about people who like that their clothes be good, and their shoes too ... (Is this arrogance?)' He said: 'Allah is beautiful; He likes beauty. Arrogance is wanton disregard of the (other person's) right and the holding of people in contempt.' (Mishkāt, p. 433, vide Muslim)

Then begins verse 37 with الَّذِينَ يَتَخَلَّفُونَ which describes the nature of the arrogant who are stingy in giving rights which it is obligatory to give, fail to understand their responsibilities and go on to the negative extreme of persuading others to take to this bad habit through their word and deed.

The verse has used the word, '*bukhl*' (niggardliness) to describe this trait of character, a word which, in the generally approved sense, is applied for shortcoming in giving financial rights. But, looking at the background of the verse's revelation, it becomes obvious that the word, '*bukhl*' has been used here in its general sense which includes close-fistedness in money and knowledge both.

A narration from Sayyidnā Ibn 'Abbās رضى الله عنه tells us that this verse was revealed about the Jews of Madīnah. They were very arrogant, and extremely miserly. When it came to spending money, they were miserably miserly. They also concealed the knowledge they received through their Scriptures which carried the prophecies about the coming of the Holy Prophet صلى الله عليه وسلم. These also included clear signs of his appearance. But, the Jews, despite being convinced of these prophecies, acted niggardly. They never acted to fulfill the

dictates of this knowledge, neither did they pass on the message to others who could act in accordance with it.

Based on this, it is then said that people who are miserly with wealth given by Allah - in matters of knowledge and faith - are ungrateful to Allah and fail to acknowledge His blessings. For them Allah has prepared a humiliating punishment which they cannot escape.

About the merit of giving and the demerit of miserliness, the Holy Prophet صلى الله عليه وسلم has said:

ما من يوم يصبح العباد فيه الا ملكان ينزلان فيقول احدهما اللهم اعط منفقاً خلفاً ويقول الاخر اللهم اعط ممسكاً تلفاً (بخارى و مسلم)

"Every morning two angels descend. One of them says: 'O Allah, bless him who spends in the way of good'; and the other says: 'O Allah, send destruction on (the wealth of) the miser.'" (al-Bukhārī & Muslim, from Abū Hurairah رضى الله عنه).

عن اسماء رضى الله عنها قالت قال رسول الله صلى الله عليه وسلم انفقى ولا تحصى فيحصى الله عليك ولا توعى فيوعى الله عليك وارضى ما استطعت (بخارى و مسلم)

'Give. Do not calculate, for Allah will then calculate in your case. And do not withhold, for Allah will then withhold in your case. And give whatever you can.'" (al-Bukhārī & Muslim from Sayyidna Asmā' رضى الله عنها).

Sayyidnā Abū Hurairah رضى الله عنه narrates that the Holy Prophet ﷺ said:

السخي قريب من الله، قريب من الجنة، قريب من الناس، والبخيل بعيد من الله، بعيد من الجنة بعيد من الناس قريب من النار والجاهل سخي احب الى الله من عابد بخيل. (ترمذى)

"The generous person is close to Allah, close to Paradise, close to people; while the miser is far from Allah, far from Paradise, far from people - close to the fire; and the generous ignorant is dearer to Allah than a miserly devotee. (a person who has devoted himself for worship)" (Tirmidhī)

Sayyidnā Abū Sa'īd رضى الله عنه narrates that the Holy Prophet ﷺ

said:

وعن ابي سعيد قال قال رسول الله صلى الله عليه وسلم خصلتان لا
تجتمعان فى مؤمن، البخل وسوء الخلق (ترمذى)

"Two traits cannot get combined in a true Muslim: miserliness
and bad morals." (Tirmidhī)

In verse 38, beginning with the words, **وَالَّذِينَ يُنْفِقُونَ** another trait in the character of the arrogant has been described. Ordinarily they themselves hold back any spending in the way of Allah and persuade others to do the same. Nevertheless, when they wish to show off before people, they do spend. Since these people do not believe in Allah and the Last Day, the question of spending their wealth for the good pleasure of Allah and with the intention of earning rewards in the life-to-come just does not arise. Such people are the accomplices of Satan, therefore, the end of it all will be no different than the end of their comrade Satan.

This verse tells us that the way it is disgraceful to be niggardly and tardy in fulfilling due rights, very similarly, it is also extremely bad to spend to show off or to spend on heads which are purposeless. A good deed aimed at drawing applause from people - and which is not for Allah exclusively - is a deed not acceptable in the sight of Allah. In *ḥadīth*, it has been declared as *shirk* (associating others in the divinity of Allah).

Sayyidnā Abū Hurairah رضى الله عنه narrates that the Holy Prophet ﷺ said:

قال الله تعالى انا اغنى الشركاء عن الشرك من عمل عملاً أشرك فيه
معى غيرى تركته وشركه

"Allah Almighty says: I am absolutely free of any need to have partners. Whoever does a (good) deed and associates in it someone else with Me, I leave him (unhelped) with this deed (of associating partners with Me)".

Sayyidnā Shaddād ibn Aws رضى الله عنه narrates that he heard the Holy Prophet ﷺ say:

وعن شداد بن اوس قال سمعت رسول الله صلى الله عليه وسلم من صلى

يرائى فقد اشرك، ومن صام يرائى فقد اشرك، ومن تصدق يرائى فقد اشرك
(احمد بحواله مشكوة)

"Whoever performed *ṣalāh* to show off, committed *shirk*; and whoever fasted to show off, committed *shirk*; and whoever gave in charity to show off, committed *shirk*." (Aḥmad, as cited by Mishkāṭ).

Sayyidnā Maḥmūd ibn Labīd رضى الله عنه narrates that the Holy Prophet صلى الله عليه وسلم said:

عن محمود بن لبيد أن النبي صلى الله عليه وسلم قال ان اخوف ما اخاف عليكم الشرك الاصغر، قالوا يا رسول الله وما الشرك الاصغر؟ قال الرياء
(احمد بحواله مشكوة)

"What fills me with grave apprehensions about you is the minor *shirk*." The Companions asked: "O Messenger of Allah, what is the minor *shirk*?" He said: "*riyā'*" (i.e. to do a good deed just to show off"). (Aḥmad, as cited by Mishkāṭ)

Here, a narration from al-Baiḥāqī adds that, on the Day of Doom, when the reward for good deeds will be given out, Allah Almighty will say to the persons committing *riyā'* i.e. the persons who did good deed just to earn the applause of the people:

"Go to those you wanted to see you doing good deeds in the mortal world and then find out for yourself if they have the reward for your deeds."

Verses 39 - 42

وَمَا ذَا عَلَيْهِمْ لَوْ آمَنُوا بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَأَنْفَقُوا مِمَّا رَزَقَهُمُ اللَّهُ وَكَانَ اللَّهُ بِهِمْ عَلِيمًا ﴿٣٩﴾ إِنَّ اللَّهَ لَا يَظْلِمُ مِثْقَالَ ذَرَّةٍ وَإِنْ تَكَ حَسَنَةً يُّضْعِفْهَا وَيُؤْتِ مِنْ لَدُنْهُ أَجْرًا عَظِيمًا ﴿٤٠﴾ فَكَيْفَ إِذَا جِئْنَا مِنْ كُلِّ أُمَّةٍ بِشَهِيدٍ وَجِئْنَا بِكَ عَلَى هَؤُلَاءِ شَهِيدًا ﴿٤١﴾ يَوْمَئِذٍ يَتُوذُ الَّذِينَ كَفَرُوا وَعَصُوا الرَّسُولَ لَوْ تُسَوَّى بِهِمُ الْأَرْضُ وَلَا يَكْتُمُونَ اللَّهَ حَدِيثًا ﴿٤٢﴾

What harm was there for them if they had believed in

Allah and the Last Day and spent out of what Allah had given them. And Allah knows all about them. [39]

Surely, Allah does not wrong even to the measure of a particle. And if it be a good deed, He multiplies it and gives a great reward out of His Own pleasure. [40]

How would it, then, be when We shall bring a witness from every community and shall bring you over them as a witness. [41] On that Day, those who have disbelieved and disobeyed the Messenger shall wish that the earth be levelled with them. And they shall not conceal anything from Allah. [42]

Previous verses carried the condemnation of those who refused to believe in Allah and in the *Ākhirah* and were miserly. The present verses persuade people to believe in Allah and the *Ākhirah* and engage in the gainful activity of spending in the way of Allah. Then, towards the end (41-42), a description of the trying situations prevailing on the plains of Resurrection appears to warn people, who refuse to believe and refuse to do what is good, of their evil end.

Commentary

In the first verse (39): وَمَاذَا عَلَيْهِمْ لَوْ آمَنُوا بِاللَّهِ, it is said: What conceivable harm could have affected them if they had believed in Allah and the Last Day and spent out of what Allah had given them? What is so tough, difficult or frightening about it? All these are as easy as they come. Going by them, taking to them and believing in them does not hurt or harm or cause any inconvenience. Why then, would someone elect to be disobedient, the certain outcome of which is nothing but disaster in the *Ākhirah*?

The text, then, says: إِنَّ اللَّهَ لَا يَظْلِمُ مِثْقَالَ ذَرَّةٍ (40), that is, Allah Almighty does not allow the reward of good deeds from anyone be reduced in any manner or quantity whatsoever. In fact, He adds extra rewards, in multiples, in special Divine favours, and the life of *Ākhirah* will witness this supreme mercy of the Lord.

With Allah, the least human measure of *thawāb* or reward is that one good deed gets recorded as ten. Then, this does not stop at that; through sheer mercy and grace, Allah bestows manifold increase into this treasure of good deeds. Some *ḥadīth* narrations tell us that there

are deeds the reward for which rises as high as two million times. The truth of the matter is that Allah is *al-Karīm*, the most-noble, the most-generous - He Himself, in His limitless mercy and grace, so increases the quantum of his blessing on His servants that it simply cannot be counted or measured in our human terms. The extents of His generosity and the dimensions of His very Being are beyond human conceptualization - who can dare calculate the uncalculable?

Incidentally, the word, "ذَرَّةٌ : *dharrah*" appearing in this verse has been translated here as 'particle' following the generally recognized meaning it carries. However, some commentators have pointed out that '*dharrah*' is the name of the smallest kind of red ant which the people of Arabia used to cite as an example of something very light and insignificantly small.

In the verse (41) beginning with: نَكَيْفَ إِذَا جِئْنَا مِنْ كُلِّ أُمَّةٍ, there is an invitation to visualize, in range and depth, the gravity of what will happen on the site of the Last Day. Also intended is an admonition to the disbelievers from the tribe of Quraysh. Their anxiety would know no bounds when every prophet of every community would appear as a witness to the good or bad deeds of his respective community on the Last Day - and Muḥammad صلى الله عليه وسلم too, the last of the prophets, will appear as a witness over his community - and he would give witness in the Divine Court particularly about such disbelievers and polytheists declaring that these people saw open signs and miracles, yet they belied and rejected them and ultimately refused to believe in 'The Divinity and my Prophethood'.

According to a narration in al-Bukhārī, the Holy Prophet ﷺ asked Sayyidnā 'Abdullāh ibn Mas'ūd رضى الله عنه to recite the Qur'ān to him. Sayyidnā 'Abdullāh said: 'You want to hear it from me, although the Qur'ān was revealed to you?' He said: 'Yes. Recite.' Sayyidnā 'Abdullāh ibn Mas'ūd says: 'I started reciting Sūratun-Nisā' and when I reached the verse: نَكَيْفَ إِذَا جِئْنَا مِنْ كُلِّ أُمَّةٍ بِشَهِيدٍ (41), he said: "Enough for now;" and when I raised my eyes to look at him, I saw tears trickling from his blessed eyes.'

'Allāmā al-Qaṣṭalānī writes: This verse caused a full view of the *Akhirah* to be present before his eyes and he thought about the people of his community who were short on or lacking in good deeds and that

was why tears started flowing from his eyes.

Special Note:

Some commentators have said that the word, **فِيهِمْ** (them), in this verse (41) points to the disbelievers and hypocrites present during the age of prophethood. Some others say that it refers to the entire community right through the Day of Doom. This is so because, as indicated in some *hadīth* narrations, the deeds of his community are being continuously presented before him. Nevertheless, from here we know that the prophets of past communities will appear as witnesses over their respective communities and that the Holy Prophet **ﷺ** too will testify to the deeds of his community. This textual style of the noble Qur'ān tells us that there is to be no prophet after him who could appear as a witness over a possible community of his - otherwise, the Qur'ān would have mentioned him and his community and the testimony he would give. Seen from this angle, this verse is a proof of the finality of prophethood as well.

In **يَوْمَئِذٍ يَبْكُونَ الَّذِيْنَ كَفَرُوا**, the text mentions the state of utter despair faced by disbelievers on the Last Day. That day they would wish to go extinct rather than face its ordeal, to become a patch of the earth underneath, or wish that the earth would crack open, suck them in leaving nothing on top but dust mingled with dust, so that they would be delivered of the scrutiny and retribution of that fateful time. (The statement: **لَوْ تَسَوَّى بِهِمُ الْاَرْضُ** (42) has been translated here literally to express, in some measure at least, the power and poignancy of the original Qur'ānic expression, as: 'shall wish that the earth be levelled with them.)

The same wish appears in Suratun-Nisā' where it was said: **وَيَبْكُونَ الْكَافِرُونَ** **يَلْبِسُنَّ خُتَمًا**. This will be on the plains of Resurrection when the disbelievers will see that all animals have been turned into dust after having exchanged the retribution of each other's excesses. They too, would pine for an end like this wishing to have become all dust.

Finally, the verse says: **وَلَا يَخْفَىٰ عَلَى اللَّهِ شَيْءٌ** (And they shall not conceal anything from Allah - 42). It means that these disbelievers will be unable to keep anything about their beliefs and deeds concealed from Allah. Their own hands and feet will confess. The prophets will testify and, of course, present there will be everything on record in their

Books of Deeds.

Sayyidnā Ibn 'Abbās رضى الله عنه was asked: "At one place, the Holy Qur'an says: 'And they shall not conceal anything from Allah' (4:42); while, at another place, it says: 'By Allah, Our Lord, we were no *mushriks*' (6:23) - Is there, as it seems, any contradiction between the two verses?" To this he replied: What will happen is that when the disbelievers will begin to see that nobody except true Muslims is being admitted into the Paradise they would decide to refuse point-blank that they had ever committed *shirk* or any other evil deed, in the hope that the plan works and results in their salvation. But, soon after this refusal of theirs, the very parts of their body would testify against them, which would totally frustrate their plan to conceal the truth about their deeds. That will be the time when they will confess everything. Hence: "They shall not conceal anything from Allah".

Verse 43

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرُبُوا الصَّلَاةَ وَأَنْتُمْ سُكَرَىٰ حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ حَتَّىٰ تَغْتَسِلُوا ۚ وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُم مِّنَ الْغَائِطِ أَوْ لَسْتُمْ بِالنِّسَاءِ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوْهِكُمْ وَأَيْدِيكُمْ ۚ إِنَّ اللَّهَ كَانَ عَفُوًّا غَفُورًا ﴿٤٣﴾

O those who believe do not go near *Salah* when you are intoxicated until you know what you say, nor in a state of 'major impurity'¹ - save when you are traversing a way - until you take a bath. And if you are sick, or in travel, or one of you has come after easing himself, or you have touched women, and you find no water, go for some clean dust and wipe your faces and hands (with it). Surely, Allah is most-pardoning, most-forgiving. [43]

The Background of this Revelation

This is about an incident relating to Sayyidnā 'Alī رضى الله عنه which

1. Stands for *Janābah* which signifies a ritual impurity caused by sexual intercourse or seminal discharge, in passion or dream, after which it becomes obligatory to take a bath.

has been mentioned in Tirmidhī. It was before liquor was forbidden that Sayyidnā 'Abdul-Rahmān ibn 'Awf رضى الله عنه had invited some Companions for dinner at this home. As customary, liquor was served before dinner. When everybody had finished eating, time came for the Maghrib *ṣalāh*. Sayyidnā 'Alī رضى الله عنه was asked to lead the prayer. He made a grave error while reciting the well-known Sūrah al-Kafirūn in the *ṣalāh* under the effect of intoxication. Thereupon, this verse was revealed in which warning was given that *ṣalāh* should not be performed in a state of intoxication.

Commentary

Commands prohibiting liquor came gradually

Allah Almighty has blessed the Sharī'ah of Islam with a particular distinction - its rules have been made easy. One such rule in this golden chain concerns drinking which was an old addiction in Arabia. This was a national habit, and pastime, involving everyone but a particular few who had a sort of God-given distaste and abhorrence for liquor all along. Naturally right-minded, they never went near this foul habit. One such example is that of the Holy Prophet صلى الله عليه وسلم. He never touched liquor even before he was called to prophethood. And everyone knows that habit, any habit, the urge and compulsion to have something, is really difficult to leave. This is all the more true about the habit of drinking or getting intoxicated by some other means. It so overpowers man in its clutches that he just cannot think otherwise. To him a farewell to drinking means a welcome to death.

Drinking has always been unlawful in the sight of Allah and when people entered the fold of Islam, saving Muslims from it was very much in order. But, had it been declared unlawful all of a sudden, people would have found obedience to this command extremely hard to carry out. So, the shift was gradual. First come partial prohibition. People were warned of the evil effects of drinking which aimed at motivating them to abandon the habit. As a result, the instruction initially given in this verse was limited to asking people not to go near *ṣalāh* while in a state of intoxication. The purpose here was to emphasize that *ṣalāh* is *farḍ*, an obligation - when the time for *ṣalāh* comes, one must rise, intend and offer it as due, and that one should not be drunk during *ṣalāh* timings. This approach helped Muslims realize

that drinking is really something bad for it stops them from performing *ṣalāh* properly. There were many blessed souls among them who made a spot decision to abandon the habit once and for all. There were others who started thinking seriously about its evils. Finally, when the verse of Sūrah al-Mā'idah carrying the absolute command which declared liquor as impure and unlawful was revealed, drinking was forbidden under all conditions.

Ruling: Based on the rule that performing *ṣalāh* in a state of intoxication is forbidden, according to some commentators, it is also not correct to perform *ṣalāh* when one feels so sleepy that one cannot control what one says. This restriction appears in a *ḥadīth* as follows:

إذا نَسِ احَدُكُمْ فِي الصَّلَاةِ فَلْيَرْقُدْ حَتَّى يَذْهَبَ عَنْهُ النَّوْمُ فَانَّهُ لَا يَدْرِي لَعَلَّهُ
يَسْتَغْفِرُ فَيَسِبُ نَفْسَهُ (قرطبي)

'If one of you feels drowsy in *ṣalāh*, he should go to sleep for a little while so that the effect of sleep disappears, otherwise he would not know that, rather than seeking forgiveness (from Allah), he may (actually) be cursing himself.' (Qurtubī)

Editor's Note¹

Although the verse was initially revealed to prohibit offering *ṣalāh* in a state of intoxication, however, some other situations have also been dealt with in which offering *ṣalāh* is not permitted. These are the states of impurity which are of two kinds. The first kind is the state of 'major impurity' or '*janābah*' which is caused by sexual intercourse or by ejaculation with sexual desire by whatever means. This state of impurity has been referred to in the above verses by the word "جَنَابًا" which is derived from *janābah* and has been translated as 'major impurity'. In this state one cannot offer *ṣalāh* unless he purifies himself by having the prescribed bath (*ghusl*).

The second kind of impurity is called 'minor impurity' (الحدث الأصغر) which is caused by any act breaking the *wuḍū'*, like easing oneself or passing a flatus etc. In this state also one is not allowed to offer *ṣalāh*,

1. In the original book there was no explanation of other rules mentioned in the verse. The esteemed author has felt it sufficient that these rules are mentioned in the Urdu translation alongwith the خلاصہ تفسیر. For the benefit of English readers, I have added this note - Muhammad Taqi Usmani.

but the way of purifying oneself from this kind of impurity is much easier. Instead of having a bath one can release himself from it by making *wuḍū'* (prescribed ablution). In both situations it is necessary to use water, either for having a bath or for making *wuḍū'*. But there may be situations where the use of water is not possible due to its unavailability or is extremely difficult due to illness. In both these situations the above verses have provided an easier alternative for having a bath or making *wuḍū'*. The alternative is to strike the hands on a clean dust and then wipe the face and the wrists with it. This procedure is called '*Tayammum*' and has been taken by the Shari'ah as a symbol of ritual purification where the actual act of purification through water is not possible or is extremely difficult. After making *tayammum* one is held to be purified for a temporary period until he is able to use water. The procedure of *tayammum*, being the same for both major and minor impurities, it has been prescribed in one sequence for both kinds. The words "أَوْ جَاءَ أَحَدُكُمْ مِنَ الْغَائِطِ" ('i.e. or one of you has come after easing himself') refer to the 'minor impurity' while the words "أَوْ لَمَسْتُمُ النِّسَاءَ" ('i.e. 'or you have touched women') stand for having sexual intercourse¹ causing major impurity. In both situations, it has been laid down that if someone is too sick to use water, or is on journey where he does not find water, he can have recourse to making *tayammum*.

The above discussion may explain the rules of impurities and their purification as laid down in the above verses. However, one point needs further elaboration:

While the Holy Qur'an has prohibited to 'go near *ṣalāh*' in a state of major impurity the rule has been made subject to one exception which is expressed in the words إِلَّا عَابِرِي سَبِيلٍ (i.e. 'save when you are traversing a way'). This exception has been interpreted by the Muslim Jurists in different ways. According to the most commentators, including the Hanafī jurists, this exception refers to the state of travelling when water is not available. It, therefore, means that one cannot go near *ṣalāh* in a state of major impurity without having taken a ritual bath (*ghusl*), however, if he is 'traversing a way' in the sense that he is on

1. This explanation is based on the Hanafi view.

journey and does not find water, he can offer *ṣalāh* without taking bath after making *tayammum* as explained in the next sentence.

Conversely Imām al-Shāfi'ī interprets the exception in a totally different manner. He says that 'going near *ṣalāh*' means 'entering a mosque' and it is prohibited for a person to enter a mosque in a state of 'major impurity'. However, if he intends to go somewhere else, but passes through a mosque as a passer-by, he can do so. The Ḥanafī jurists do not accept this view. Based on the first interpretation, they say that the verse has no relevance with 'entering the mosque'. It refers to offering prayers, as is evident from the background in which it was revealed. The prohibition of entering a mosque in the state of impurity is based on some other sources, and it is not allowed, even for a passer-by, to enter a mosque with intention to go somewhere else.

(Editor).

The rule of *Tayammum* is a blessing, and a distinction of the Muslim community

It is certainly a great favour granted by Allah Almighty that He, in His mercy, has made something else to take the place of water, something which is much more easily available than water. Obviously enough, land mass and dust are available everywhere. It appears in a *ḥadīth* that this is a convenience bestowed upon the community of Muḥammad صلى الله عليه وسلم exclusively. As for necessary rules governing the making of *Tayammum* (also referred to in English, and interestingly too, as the 'dry ablution'), these are commonly available in books on *ṣalāh*, (in English as well). Standard juristic works can be consulted for further details.

Verses 44 - 46

أَلَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيبًا مِّنَ الْكِتَابِ يُشْتَرُونَ الصَّلَاةَ
وَيُرِيدُونَ أَن تَضَلُّوا السَّبِيلَ ﴿٤٤﴾ وَاللَّهُ أَعْلَمُ بِأَعْدَانِكُمْ
وَكَفَى بِاللَّهِ وَلِيًّا وَكَفَى بِاللَّهِ نَصِيرًا ﴿٤٥﴾ مِنَ الَّذِينَ هَادُوا
يُحَرِّفُونَ الْكَلِمَ عَن مَّوَاضِعِهِ وَيَقُولُونَ سَمِعْنَا وَعَصَيْنَا
وَأَسْمَعُ غَيْرَ مُسْمِعٍ وَرَاعَيْنَا لِبِأْسِنْتِهِمْ وَطَعْنَا فِي الَّذِينَ
وَلَوْ أَنَّهُمْ قَالُوا سَمِعْنَا وَأَطَعْنَا وَأَسْمَعُ وَانْظُرْنَا لَكَانَ خَيْرًا

لَهُمْ وَأَقْوَمَ ۖ وَلَكِنْ لَّعَنَهُمُ اللَّهُ بِكُفْرِهِمْ فَلَا يُؤْمِنُونَ إِلَّا
 قَلِيلًا ﴿٤٦﴾

Have you not seen those who have been given a share from the Book? They buy misguidance and want that you (too) lose the way. [44] And Allah knows your enemies best. And Allah is enough as friend and Allah is enough as supporter. [45] Among the Jews there are some who move words away from their places and say, "We hear and disobey," and "Hear. May you not be made to hear," and "*Rā'inā*," twisting their tongues and maligning the Faith. And if they had said, "We hear and obey," and "Hear," and "Look after us," it would have been better for them, and more proper, but Allah has cast His curse on them due to their disbelief. So, they do not believe except a few. [46]

In verses previous to this, the stress was on acting with *Taqwā* in mutual dealings. In between came some rules pertaining to *Ibādah*, *Salāh* and their corollaries since they instill man with fear of Allah, promote concern for the life-to-come and help in seeing that dealings come out right and smooth.

The present verses take up the matter of dealings with enemies. It brings into sharp focus the wicked tricks, in word and deed, as practiced by the Jews, and then gives a view of what is true and correct. This last aspect is in a way an exhortation to Muslims that they should be careful in choosing the words they use to say what they have to say, for mincing words is not their style.

Verse 47.

يَا أَيُّهَا الَّذِينَ أُوتُوا الْكِتَابَ آمِنُوا بِمَا نَزَّلْنَا مُصَدِّقًا لِّمَا مَعَكُمْ
 مِّنْ قَبْلُ ۚ أَنْ تَطْمِئَسَ وُجُوهُكُمْ فَنَرُدَّهَا عَلَىٰ أَدْبَارِهَا أَوْ نَلْعَنَهُمْ
 كَمَا لَعَنَّا أَصْحَابَ السَّبْتِ ۚ وَكَانَ أَمْرُ اللَّهِ مَفْعُولًا ﴿٤٧﴾

O those who have been given the Book, believe in what We have revealed confirming what is with you before We rub off faces and turn them shaped like their backs, or curse them as We cursed the people of Sabbath. And what Allah wills is destined to occur. [47]

In the previous verse (46), there was a description of the Jewish stance against Islam which ranged from flat denial to laboured falsification, something born out of the desire to misrepresent, alter and ridicule. The present verse addresses them directly and commands them to believe in the final revelation and demonstrate their confirmation. Should they continue ignoring the warning and remain hostile, they should really be concerned with the chilling prospects of what their fate would be as a consequence of their ill choice.

Commentary

Note 1: The Qur'ānic expression: *فَتَوَدَّعَا عَلَىٰ أَدْبَارِهِمَا* (and turn them shaped like their backs) admits of two probabilities in this act of turning. It could either be that the features of the face are eliminated and the whole face is turned around towards the back; or, it may be that the face is flattened like the nape of the neck, devoid of all features, 'effaced.' (Mazharī, Rūḥ al-Ma'ānī)

Note 2: When will this be is a question posed and answered by Commentators in great details. Discussing this deconfiguration (*tams*) and transmutation (*maskh*), some of them have said that this punishment will come upon the Jews before the Day of Doom, while others have said that this punishment did not come to pass because some of the Jews had entered the fold of Faith.

Maulānā Ashraf 'Alī Thanavī رحمه الله has said: 'In my opinion, that question simply does not arise because there is no single word in the Qur'ān which would suggest the proposition: If you do not believe, the punishment of *tams* and *maskh* will definitely materialize. In fact, it suggests probability, that is, given their crime, they do deserve this punishment, and should He spare them from the punishment, that would be His mercy.'

Verses 48 - 50

إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ
وَمَنْ يُشْرِكْ بِاللَّهِ فَقَدْ افْتَرَىٰ إِثْمًا عَظِيمًا ﴿٤٨﴾ أَلَمْ تَرَ إِلَى
الَّذِينَ مَزَكُّونَ أَنفُسَهُمْ بَلِ اللَّهُ يُزَكِّي مَن يَشَاءُ وَلَا يَظْلُمُونَ
فَتِيلًا ﴿٤٩﴾ أَنْظِرْ كَيْفَ يَفْتَرُونَ عَلَى اللَّهِ الْكَذِبَ وَكَفَىٰ بِهِ

إِنَّمَا مُبِينًا ﴿٥٠﴾

Surely, Allah does not forgive the ascribing of a partner to Him and forgives anything short of that for whomsoever He wills. And whoever ascribes a partner to Allah has tailored a great sin. [48]

Have you not seen those who claim sanctity for themselves? In fact, Allah sanctifies whom He wills and they shall not be wronged even to the measure of a thread of a date-stone. [49] See how they fabricate a lie against Allah, and it is enough to be an open sin. [50]

The previous verse carried an admonition for those who refused to believe. But, from among those to whom this admonition has been addressed, some could finally be forgiven, which admits of the probability that all these other addressees may, perhaps, be also forgiven. Therefore, the text goes on to explain that this group of people will not be forgiven because of their *kufr* or disbelief. This also refutes the Jewish claim that they shall be forgiven.

Commentary

Shirk: A definition, and some forms

The words of the Qur'anic text in إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ (Surely, Allah does not forgive the ascribing of a partner to Him) demonstrate that the set articles of faith relating to the Being and Attributes of Allah Almighty are the *sine qua non* of religion and holding any belief similar to these in favour of whoever and whatever He has created is *shirk*. Some of the forms it takes are as follows:

Shirk in Knowledge: This is the ascribing of a partner to Allah in matters of knowledge (*ilm*), for example believing that a certain pious person or a spiritual master or the head of a mystical order knows about everything in this universe all the time. Other forms could be asking an astrologer or a fortune-teller or a diviner about things that are going to take place in a person's life, things which belong to the unseen world, an exclusive domain of Allah; or, to take omen (*fāl*) from the words written by a pious person and believing that it has got to happen; or, calling someone from a considerable distance and believing that the person has become all aware of the call; or, keeping a fast dedicated to someone other than Allah.

Shirk in Power: This is ascribing to others the powers and rights which are the exclusive domain of Allah as for example, taking someone to have the power and authority to provide gain or inflict loss. It includes things like asking someone to grant wishes or to ask for sustenance, and children.

Shirk in 'Ibādah: This means the ascribing of a partner to Allah in acts of worship ('*Ibādah*') which is the sole due of Allah. Some of the forms it could take are to go down in *sajdah* (prostration) for anyone, to release an animal dedicated in the name of somebody, making ceremonious offering for a person or thing, living or dead, to make a vow (*mannat, nadhr*) in someone's name; to make *tawāf* (rounds, circumambulation) of someone's grave or house; to give preference to someone else's word, or custom, as against God's own command; to make bows before anyone in the manner of a *rukū'*, the bowing position peculiar to Muslim prayer; to slaughter an animal in the name of someone; to take the affairs of the mortal world as subservient to the effect and influence of stars; to regard some month as ill-omened, wretched; and things like that.

Indulgence in self-praise

Let us now turn to the word of Allah in: **أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ** (Have you not seen those who claim sanctity for themselves?) Since the Jews claimed sanctity for themselves, Allah Almighty censures them in this verse as a strange lot attributing sanctity to themselves and then having the audacity to tell others that this is so. Amazing indeed!

From here we learn that it is not permissible for anyone to claim and broadcast his or her sanctity, or that of others. This is forbidden on three counts:

1. The cause of self-praise is mostly pride and arrogance. So, in reality, what is forbidden is pride and arrogance.

2. As to the end of man, only Allah knows if it will come in a state of *Taqwā* and *Tahārah*, that is, in a state when one is still God-fearing spiritually and free from major and minor impurities physically. Therefore, claiming sanctity for oneself is contrary to being God-fearing. As such, Sayyidah Zaynab daughter of Abī Salamah رضى الله عنها narrates that the Holy Prophet صلى الله عليه وسلم asked her: 'What is your name?' Since, at that time, her name was *Barrah* (which means pure

from sins), so, that was what she told him. He, then, said: **لَا تَزْكُوا أَنْفُسَكُمْ، اللَّهُ** (Do not claim sanctity for yourselves (that is, do not claim purity and freedom from sins) because it is Allah alone who knows best as to who among you is of the righteous. He, then, named her Zaynab (instead of Barrah). (Mazhari)

3. The third reason for this prohibition is that such a claim gives people the false idea that the person making that claim is nearer to Allah because he is free of all faults, although this is a lie, for no mortal man is free of one or the other shortcoming. (Bayān al-Qur'ān)

Ruling: If impediments mentioned above do not exist, one can speak about one's trait of character as an expression of gratitude for Allah's blessing. (Bayān al-Qur'ān)

Verses 51 - 52

لَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيبًا مِّنَ الْكِتَابِ يُؤْمِنُونَ بِالْجِبْتِ
وَالطَّاغُوتِ وَيَقُولُونَ لِلَّذِينَ كَفَرُوا هَؤُلَاءِ أَهْدَىٰ مِنَ الَّذِينَ
آمَنُوا سَبِيلًا ﴿٥١﴾ أُولَٰئِكَ الَّذِينَ لَعَنَهُمُ اللَّهُ وَمَنْ يَلْعَنِ اللَّهُ
فَلَنْ تُجَدَّ لَهُ نَصِيرًا ﴿٥٢﴾

Have you not seen those who have been given a share from the Book? They believe in Jibt¹ and Ṭaghūt² and say concerning those who disbelieve, "They are better guided in their way than those who believe." [51] Those are the ones whom Allah curses, and the one whom Allah curses you shall find no helper for him. [52]

A description of the evil traits of Jews has been appearing from the previous verse beginning with: **لَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيبًا مِّنَ الْكِتَابِ يَشْكُرُونَ الصَّلَاةَ - الع** (44). The present verses also deal with the same subject.

Commentary

What is Jibt and Ṭaghūt?

Two words, 'al-Jibt' and 'al-Ṭaghūt' have been mentioned in the present verse (51). What do they mean? Commentators have explained

1. Jibt: Originally, the name of an idol which was also used later on for every false god as well as for sorcery.
2. Ṭaghūt: Literally signifies the arrogant. It is also used for Satan, and for evil and falsehood.

it variously. Sayyidnā Ibn 'Abbās, Ibn Jubayr and Abū al-'Āliyah رضى الله عنهم have said that '*Jibt*' comes from the Ethiopian language and refers to a magician while '*Ṭaghūt*' signifies a soothsayer.

Sayyidnā 'Umar رضى الله عنه says that '*Jibt*' means magic and '*Ṭaghūt*' means Satan. Sayyidnā Malik ibn Anas رضى الله عنه is reported to have said that everything worshipped other than Allah is covered by the name '*Ṭaghūt*'.

Imām al-Qurṭubī says that the view of Sayyidnā Malik ibn Anas رضى الله عنه, being more inclusive, is generally preferred because it also has its support from the Holy Qur'ān where it is said: *أَنِ اعْبُدُوا اللَّهَ وَاجْتَنِبُوا الصَّاغُوتَ* (Worship Allah and avoid *Ṭaghūt*.) (16:36) But, really, there is no contradiction as such in these different views. They all can be implied in one or the other sense, as *Jibt* was essentially the name of an idol after all, but it was later on that it came to be applied to other things and beings worshipped other than Allah. (Rūḥ al-Ma'ānī)

The present verses in the background of their revelation

Sayyidnā Ibn 'Abbās رضى الله عنه narrates that two chiefs of the Jews, Huyayy ibn Akḥṭab and Ka'b ibn Ashraf came along with a group of theirs, after the battle of Uḥud, to meet the Quraysh at Makkah. The Jewish Chief, Ka'b ibn Ashraf met Abū Sufyān and promised to collaborate with him in his fight against the Holy Prophet صلى الله عليه وسلم. The people of Makkah told Ka'b ibn Ashraf that they were a people who cheated by making false promises. Then, they challenged them to prostrate before two particular idols (*Jibt* and *Ṭaghūt*) there, if they really meant what they had said.

So, in order to assure the Quraysh, he did exactly that. After that, Ka'b told the Quraysh: 'Let thirty people from among you and thirty people from among us come forward so that we declare our resolve before the Lord of the Ka'bah that all of us will jointly fight against Muḥammad صلى الله عليه وسلم.'

The Quraysh liked this proposal from Ka'b and this was how they opened a united front against Muslims. After that, Abū Sufyān told Ka'b: 'You are learned people. You have the Book of Allah with you. But, we are totally ignorant. Now, you let us know what do you think about us - tell us if we are on the right path, or is it Muḥammad? ﷺ'

Ka'b asked: 'What is your religion?' Abū Sufyān said: 'We slaughter our camels for the Hajj. We offer their milk to pilgrims, and entertain guests. We maintain good relations with our kin. We make *tawāf* of the House of Allah and perform 'Umrah. Contrary to this, Muḥammad ﷺ has abandoned his ancestral religion and he has cut himself off from his own people and, on top of that, he has challenged our ancestral religion by introducing a new religion of his own.'

Hearing all this, Ka'b ibn Ashraf said: 'You people are on the right path. Muḥammad صلى الله عليه وسلم has gone astray.'

Thereupon, Allah Almighty revealed these verses and, thus, exposed their lying and deceit. (Ruḥ al-Ma'ānī)

The blind pursuit of material gains sometimes makes man surrender religion and faith

Ka'b ibn Ashraf was a distinguished scholar among the Jews. He believed in God and worshipped none but Him. However, when the ghost of overweening personal desires overpowered his mind and heart, he offered to join forces with the Quraysh against Muslims. As we already know, the Quraysh put forth the condition that he should prostrate before their idols. He swallowed this bitter pill to achieve his personal end. Here, we see that he squarely stooped to fulfil the condition imposed by the Quraysh, something contrary to his religion, but he made no effort to stand by his religious beliefs and did not show the courage to part ways with them on so crucial an issue. The Holy Qur'an mentions a similar incident elsewhere concerning Bal'am ibn Ba'ur. It says: *وَأَنذِرْهُمْ يَا ذِي الْأَلْبَابِ إِنَّنَا فَاتُكِلْهُمُنَّ مِنْهَا فَاْتَبِعُوا الشَّيْطَانَ فَكَانَ مِنَ الْغَاوِينَ* (Recite to them the news of the one who was given Our signs, then he eased out from it and followed the Satan, and he was one of those who seduce people to err.) (7:175)

Commentators say that Bal'am ibn Ba'ur was a great scholar and a mendicant who wielded spiritual powers. But, when he launched his sinister plans against Sayyidnā Mūsā عليه الصلوة والسلام in an effort to achieve his personal desires, he was unable to achieve anything against him, but what did happen was that he himself ended up being accursed and went astray.

This tells us that religious knowledge as culled from a book is not

enough to guarantee the desired benefit. What is needed is action sought by the knowledge. This will not be possible unless one totally abstains from material greed and from the pursuit of carnal desires. Otherwise, man would not stay strong enough to resist against sacrificing something so dear as his religion on the altar of his desires. In our own time, we have the kind of people who would abandon their true creed just to achieve their material and political goals. Some of them would go for the extra effort to dress up their secular beliefs and views with the garb of Islam. Such people care less about the grave Covenant between God and man, nor do they worry much about what would happen to them in the *Ākhirah*. All this happens when one abandons his true and right creed and starts following the signals of the Satan.

The curse of Allah causes disgrace here and hereinafter

The Qur'ānic word, '*la'nah*' (translated as 'curse' in absence of a more exact equivalent) means being far removed from the mercy of Allah, extremely debased and disgraced. Anyone under '*la'nah*' from Allah cannot be close to Allah. For such accursed ones admonitions are very stern. The Holy Qur'ān says: **مَلْعُونِينَ أَيْنَمَا نُفِئُوا أُجِنُوا وَفُتِلُوا نَفِيلًا** (The accursed, wherever they be, are to be caught and killed massacre-like.) (33:61) This is their disgrace in the present life - the disgrace in the *Ākhirah* will be far too grim to contemplate.

Who deserves the '*la'nah*' of Allah?

The words of the Holy Qur'ān in verse 52: **وَمَنْ يَلْعَنِ اللَّهُ فَلَنْ نَجِدَ لَهُ نَصِيرًا** state that anyone under the curse of Allah has no helper to help him in that predicament. The point to ponder is: Who are these people who become deserving of this '*la'nah*' from Allah?

According to a ḥadīth, the Holy Prophet صلى الله عليه وسلم has cursed the giver of interest, the receiver and the consumer of interest, and its writer and the one who bears witness to it, the whole lot of them, all of them equally involved in the sin. (Narrated by Muslim as in *Mishkāṭ*)

There is another ḥadīth in which he said: **مَلْعُونٌ مَنْ عَمِلَ عَمَلَهُ لُوطٌ** (Cursed is he who does what the people of Lūt عليه السلام used to do). Narrated by Razīn and appearing in *Mishkāṭ*, the reference is to the male homosexual. Then, he said: 'Allah sends his curse on the thief who would not stop from stealing even very small things like eggs and

ropes, and in retribution to which, his hand is cut off.' (Mishkāt)

In another ḥadīth, he said:

لَعَنَ اللَّهُ الْبَاحِلَ الرَّبْوَا وَمُؤْكِلَهُ وَالْوَاشِمَةَ وَالْمُسْتَوِشِمَةَ وَالْمُصَوِّرَ

"Allah curses the eater of interest, and its feeder, and the woman who tattoos another woman and the woman who tattoos herself, and the picture-maker." (Bukhārī, from Mishkāt)

In yet another ḥadīth, he has said: 'Allah sends His curse on liquor, its consumer and its server, its seller and purchaser, its squeezers, its handlers, transporters and orderers, on all of them.' (Abu Dāwūd, ibn Mājah, from Mishkāt)

In still another ḥadīth, the Holy Prophet صلى الله عليه وسلم has said: 'There are six types of people I have cursed and Allah Almighty has also cursed them - and every prophet is blessed with the acceptance of his prayers - those six are:

- (1) One who commits excess in the matter of Allah's Book;
- (2) and one who rises to power by force and terror, then honours a person disgraced by Allah and brings disgrace on a person honoured by Allah;
- (3) the denier of destiny determined by Allah;
- (4) one who takes as lawful what has been made unlawful by Allah;
- (5) the person in my progeny who rules what has been forbidden as lawful;
- (6) and the one who gives up my way-(*sunnah*). ' (Baihaqī in Al-Mudkhal from Mishkāt)

In another ḥadīth, he said: لَعَنَ اللَّهُ النَّازِعَةَ وَالْمُنْظُورَ إِلَيْهَا 'Allah curses the ogler and the ogled at.' It means that the curse of Allah falls on anyone who looks at someone in an evil way, someone who is a non-*Mahram*, that is, someone outside the count of those in the family he is permitted to see because marriage with them is forbidden for ever. This is why such a *nāzīr*, the onlooker of the other, comes under the curse of Allah. As for the *manzūr ilaihi*, the one who is looked at lustfully, the same curse will apply subject to his or her having deliberately and invitingly

caused such a look to be cast.

Sayyidnā Abū Hurairah رضى الله عنه narrates:

لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّجُلَ يَلْبَسُ لِبْسَةَ الْمَرْأَةِ، وَالْمَرْأَةَ تَلْبَسُ لِبْسَةَ الرَّجُلِ

"The Holy Prophet صلى الله عليه وسلم has cursed the man who dresses like a woman and the woman who dresses like a man.
(Mishkāṭ)

The following report from Abū Dāwūd appears in Mishkāṭ:

عن عائشة رضى الله تعالى عنها أن امرأة تلبس النعل، قالت لعن رسول الله صلى الله عليه وسلم الرجل من النساء

"Someone told Sayyidah 'Ā'ishah رضى الله عنها about a woman who wore (men's) shoes. Sayyidah 'Ā'ishah said: 'The Messenger of Allah ﷺ has cursed the woman who takes to masculine ways.'

A narration from Sayyidnā Ibn 'Abbās رضى الله عنه reports:

عن ابن عباس رضى الله عنهما قال: لعن النبي صلى الله عليه وسلم المخنثين من الرجال، والمترجلات من النساء و قال اخرجوهم من بيوتكم
(رواه البخارى بحواله مشكوة)

"The Holy Prophet صلى الله عليه وسلم has cursed the effeminate from among men (who, in dress and looks, emulate women-like transvestites) and he has cursed the masculinized from among women (who, in dress, looks and ways, act man-like). And he said: 'Expel them out of you homes.' " (Bukhārī, from Mishkāṭ)

Also from al-Bukhārī comes the report that Sayyidnā 'Abdullāh ibn Mas'ūd رضى الله عنه said:

لعن الله الواشمات والمستوشمات والمتنمصات والمتفلجات للحسن المغيرات خلق الله

"The curse of Allah be on the tattooers and the tattooed, on the pickers of eye-brows and the cleavers of teeth as aids to beauty - they are the makers of alteration in the creation of Allah."

Rules about *La'nah*

La'nah is the denouncing of something or the calling down of evil on someone. 'Curse' is the most widely used equivalent for it. Two formal substitutes for 'curse' in this sense are 'execration' and 'imprecation'. 'Execration' is the face-to-face denunciation or the ill wished, while 'imprecation' is somewhat privately expressed. Call it by whatever name, the act of invoking '*La'nah*' is a terrible thing to do. Because of the amount of evil it releases, corresponding heavy restrictions have been placed against its use. Invoking *La'nah* against a Muslim is *ḥarām* (forbidden) and the sole condition when this can be done against a *kāfir* (disbeliever) is that the imprecator must be sure that the disbeliever will die clinging to his disbelief. Given below are some authentic sayings of the Holy Prophet صلى الله عليه وسلم on this subject:

عن ابن مسعود قال قال رسول الله صلى الله عليه وسلم ليس المؤمن بالطعان ولا باللعان ولا بالبذي (الترمذى بحواله مشكوة)

"According to Sayyidnā Ibn Mas'ūd رضى الله عنه, the Holy Prophet صلى الله عليه وسلم said: 'A true Muslim is no taunter or imprecator, nor is he foul-mouthed.'" (Tirmidhī, from Mishkāṭ)

عن ابى الدرداء قال سمعت رسول الله صلى الله عليه وسلم يقول: إن العبد إذا لعن شيئاً صعدت اللعنة إلى السماء فتغلق ابواب السماء دونها، ثم تهبط الى الارض فتغلق ابوابها دونها، ثم تأخذ يميناً وشمالاً، فإذا لم تجد مساعاً رجعت الى الذى لعن فان كان لذلك اهلاً والا رجعت الى قائليها (رواه ابو داود بحواله مشكوة)

"Sayyidnā Abū al-Dardā' رضى الله عنه says that he heard the Holy Prophet صلى الله عليه وسلم say : 'When a servant of Allah curses something, the curse goes up towards the sky whereupon the doors of the sky are closed on it. After that, it comes down towards the earth whereupon the doors of the earth are closed on it (that is, the earth does not accept this curse). After that, it takes a right, and then a left, but, as it finds no access anywhere, it returns to the one who was cursed. So, if he is really deserving of it, on him it falls; otherwise, it returns back to its pronouncer and falls on him.'" (Abū Dāwūd, cited by Mishkāṭ)

عن ابن عباس ان رجلا نازعته الريح رداءه فلعنها فقال رسول الله صلى الله عليه وسلم: لا تلعنها فانها مأمورة، وانه من لعن شيئاً ليس له بأهل رجعت اللعنة عليه . (رواه الترمذى بحواله مشكوة)

"It has been reported by Sayyidnā Ibn 'Abbās رضى الله عنه that the wind swooped away the sheet-cloak of a man and he cursed the wind, whereupon the Holy Prophet صلى الله عليه وسلم said: 'Do not curse it for it is under orders (from Allah) and (remember) whosoever curses something which does not deserve the curse, then, the curse returns to none but him.' (Tirmidhī, cited by Mishkāṭ, p. 413)

Rulings:

1. Unless it is known about a particular person that he has died in a state of *kufṛ* (disbelief), invoking *La'nah* on him is not permissible - even though he may be a sinful person. Based on this principle, Allāmah Ibn 'Abidīn has advised against cursing Yazīd. But, should it be on a particular *kāfir* whose death in a state of disbelief is certain, for instance, Abū Jahl and Abū Lahab, then, it is permissible. (Shāmī, v.2, p.836)

2. Cursing without naming anyone is permissible, for example, saying: 'God's curse upon liars (or tyrants)!'

3. Literally, *La'nah* means being far removed from the mercy of Allah. In the terminology of the Sharī'ah, when applied to disbelievers, it refers to their being far far off from the mercy of Allah; and when it is applied to Muslims, it refers to their having fallen down the level of the righteous (reported by Shāmī from al-Quhistānī, v.2, p.836). Therefore, praying that the good deeds of a Muslim may decrease is also not permissible.

Verses 53 - 55

أَمْ لَهُمْ نَصِيبٌ مِّنَ الْمُلْكِ فَإِذَا لَا يُؤْتُونَ النَّاسَ نَقِيرًا ﴿٥٣﴾ أَمْ يُحْسَدُونَ النَّاسَ عَلَىٰ مَا آتَاهُمُ اللَّهُ مِنْ فَضْلِهِ فَقَدْ آتَيْنَا آلَ إِبْرَاهِيمَ الْكِتَابَ وَالْحِكْمَةَ وَآتَيْنَاهُم مَّلَكًا عَظِيمًا ﴿٥٤﴾ فَمِنْهُمْ مَّنْ أَمَنَ بِهِ وَمِنْهُمْ مَّنْ صَدَّ عَنْهُ وَكَفَىٰ بِجَهَنَّمَ سَعِيرًا ﴿٥٥﴾

Is it that they have a share in the kingdom, while in that case, they would give nothing to the people, not

even to the measure of a tiny pit on the back of a date-stone? [53]

Or, is it that they are jealous of people over what Allah has given them of His bounty while We have given to the House of Ibrāhīm the Book and the wisdom and We have given to them a great kingdom? [54]

So, there were some among them who believed in it and there were others among them who turned away from it. And enough (for the latter) is *Jahannam*, a fire ablaze! [55]

Linked with previous verses, the description of Jewish traits of character continues in the present verses as well.

Commentary

Admonishing Jews for being unreasonably envious

The knowledge, the grace, the high rank and the grandeur of mission given by Allah Almighty to the Noble Prophet صلى الله عليه وسلم made Jews all too jealous. Verses 53 and 54 strongly admonish this attitude of theirs, giving two reasons why their envy was unreasonable. The first reason appears in verse 53, while the second, in verse 54. But, the outcome of both is the same. The drift of the argument is: 'What is the basis of your envy? If this is because you think you are the real inheritors of the kingdom and what he has been blessed with is actually yours, obviously then, this is all wrong. As it is, right now you have no kingdom. Even if you came to have some of it, you are not the kind to give anything to anybody. If your envy is based on the realization that the kingdom, no doubt, did not pass from you onto him, still, the question remains, why did it have to go to him at all. What relevance does he have with having a kingdom? The answer given was: He too comes from the family of prophets who have ruled over kingdoms before him. So, the kingdom has really not come to a stranger. Your envy, therefore, is unreasonable.'

The definition and rules of envy

'Allāmah al-Nawawī, the Commentator of Muslim, defines *Hasad* as : **أَحْسَدُ تَتَنَّى زَوَالِ الْبَعَثَةِ** (Muslim, v.2). It means that *Hasad* (envy) is a desire to see the other person's blessing somehow disappear, and this is *ḥaram* (forbidden).

The Holy Prophet صلى الله عليه وسلم has said:

لا تباغضوا ولا تحاسدوا ولا تدابروا، وكونوا عباد الله اخواناً، ولا يحل لمسلم ان يهجر اخاه فوق ثلاث .

"Do not hate and do not envy and do not turn your backs on each other. Instead, become servants of Allah, as brothers. And it is not lawful for a Muslim that he abandons his brother for more than three days." (Muslim, v.2)

In another ḥadīth, he has said:

ياكم والحسد، فإن الحسد يأكل الحسنات كما تاكل النار الحطب

"Beware of envy, for envy eats up good deeds as the fire eats up wood." (Abū Dawūd, cited by Mishkāṭ)

Sayyidnā Zubayr رضى الله عنه narrates that the Holy Prophet ﷺ said:

عن الزبير رضى الله عنه قال: قال رسول الله صلى الله عليه وسلم : دب اليكم داء الامم قبلكم، الحسد والبغضاء هي الحالقة، لا أقول تحلق الشعر، ولكن تحلق الدين

"Stealthily creeping into you is the disease of earlier peoples - envy; and hatred, which is a shaver. I do not say that it shaves hair, but it does shave the religion off." (Aḥmad and Tirmidhī, cited by Mishkāṭ)

Envy, whether it be on account of someone's worldly, or spiritual excellence, is ḥarām (forbidden) on both counts, as the words **أَمْ لَهُمْ نَصِيبٌ** (Is it that they have a share in the kingdom?) seem to point out towards worldly excellence, while the words **الْكِبْرِ وَالْمَكْرِ** (54) (the Book and the wisdom) are indicative of spiritual excellence.

Verses 56 - 57

إِنَّ الَّذِينَ كَفَرُوا بِآيَاتِنَا سَوْفَ نُصْلِيهِمْ نَارًا كُلَّمَا نَضِجَتْ جُلُودُهُمْ بَدَّلْنَاهُمْ جُلُودًا غَيْرَهَا لِيَذُوقُوا الْعَذَابَ إِنَّ اللَّهَ كَانَ عَزِيزًا حَكِيمًا ﴿٥٦﴾ وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ سَنُدْخِلُهُمْ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا أَبَدًا لَهُمْ فِيهَا أَزْوَاجٌ مُطَهَّرَةٌ وَنُدْخِلُهُمْ ظِلًّا ظَلِيلًا ﴿٥٧﴾

Those who have disbelieved in Our verses, We shall certainly make them enter a fire. Whenever their skins are burnt out, We shall give them other skins in their place, so that they may taste the punishment. Surely, Allah is All-Mighty, All-Wise. [56]

As for those who have believed and have done good deeds, We shall admit them to gardens beneath which rivers flow, remaining there for ever, for them, there are wives purified. And We shall admit them to a shade ever-stretched. [57]

Particular believers and disbelievers were mentioned in the previous verses. Stated now is the reward and punishment of a believer and a disbeliever as a universal rule.

Commentary

Explaining the highly apocalyptic statement **كَلَّمَآ نَضْجَتْ جُلُودُهُمْ يَدْلَنَّهُمْ** in verse 56, Sayyidnā Mu'adh رضى الله عنه says that as soon as their skin is burnt out it will be replaced - and this will be with such speed that the skin will be replaced a hundred times in one moment.

Sayyidnā Ḥasan al-Baṣrī says:

تاكل النار كل يوم سبعين الف مرة، كلما اكلتهم قيل لهم: عودوا
فيعودون كما كانوا (اخرج البيهقي عن الحسن بحواله مظهرى ج ٢)

"The fire will eat them everyday seventy thousand times. When it would have eaten them up, they will be commanded: 'Return'. So, they shall return to be as they were." (al-Baihaqi, as quoted by Maḥzarī)

According to a narration in al-Bukhārī and Muslim, the Holy Prophet صلى الله عليه وسلم said:

عن النبى صلى الله عليه وسلم قال: ان اهون اهل النار عذابا رجل فى
اخمص قدميه جمرتان يغلى منهما دماغه كما يغلى الرجل بالقمقم (رواه
البخارى و مسلم، بحواله الترغيب والترهيب ج ٤ ص ٢٣٩)

"Lightest in punishment among the people of fire will be the man in the sole of whose feet there will be two smouldering embers the heat from which will keep his brain boiling like a cauldron boiling to the brim." (Almundhiri, al-Tarḥīb v.4, p.239)

An explanation of 'purified wives'

According to Hākim, Sayyidnā Abū Sa'īd al-Khudrī رضى الله عنه narrated that the Holy Prophet صلى الله عليه وسلم said: The women of *Jannah* will be pure, that is, pure from menstruation, defecation, urination and nasal mucus.

Mujāhid adds to the above by saying: 'They shall also be 'pure and free from procreation and seminal impurity.' (Maḥzarī)

Let us now look at the last two words: ظِلًّا ظَلِيلًا in verse 57. Here, by mentioning ظليل after ظل it has been mentioned that the shade in *Jannah* will be dense and ever-present. This is like saying: شَمْسٌ شَامِسٌ or كَيْلٌ كَيْلٌ which indicate that the blessings of Paradise will last for ever.

Sayyidnā Abū Hurairah رضى الله عنه narrates that the Holy Prophet صلى الله عليه وسلم said:

ان فى الجنة لشجرة يسير الراكب فى ظلها مائة عام ما يقطعها، اقروا إن شئتم و ظل ممدود

"There is a tree in Paradise. If a rider were to ride under its shade for a hundred years, he will still not cross it. Read, if you wish, وَظِلٌّ مَمْدُودٌ, (A shade, ever-extended, ever-stretched)."

Explaining ظِلًّا ظَلِيلًا, Rabī' ibn Anas said:

هو ظل العرش الذى لا يزول

"That is the shade of the Throne (*al-'arsh*) which will never decline."

Verses 58 - 59

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ
النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ
كَانَ سَمِيعًا بَصِيرًا ﴿٥٨﴾ يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ
وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ
فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ
الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾

Surely, Allah commands you to fulfil trust obligations

towards those entitled to them and that, when you judge between people, judge with fairness. Surely, good is what Allah exhorts you with. Surely, Allah is All-Hearing, All-Seeing. [58]

O those who believe, obey Allah and obey the Messenger and those in authority among you. Then, if you quarrel about something, revert it back to Allah and the Messenger, if you believe in Allah and the Last Day. That is good, and the best at the end. [59]

Commentary

The background of the revelation of these verses

The first of the two verses cited above was revealed in the background of a particular event which related to the custodial service of the Ka'bah, an office of great honour even before the advent of Islam. Those who were appointed to serve the House of Allah in a particular area of responsibility were regarded as people of great prestige and distinction in the community. Therefore, different areas of services were distributed over different people. It was from the time of Jāhiliyah that, during the days of Ḥajj, the service of providing drinking water to pilgrims from the well of Zamzam was entrusted to Sayyidnā 'Abbās رضى الله عنه, the revered uncle of the Holy Prophet ﷺ. This was known as Siqāyah. Some other services similar to this were in the charge of Abū Ṭālib, another uncle of the Holy Prophet ﷺ. Likewise, the custodial duty of keeping the keys to the House of Allah and of opening and closing it during fixed days had been given to 'Uthmān ibn Ṭalhah.

According to a personal statement of 'Uthmān ibn Ṭalhah, the Ka'bah was opened every Monday and Thursday during the period of Jāhilliyah and people would use the occasion to have the honour of entering the sacred House. Once before Hijrah, the Holy Prophet ﷺ came with some of his Companions in order to enter the Ka'bah. 'Uthmān ibn Ṭalhah had not embraced Islām until that time. He stopped the Holy Prophet صلى الله عليه وسلم from going in, displaying an attitude which was very rude. The Holy Prophet صلى الله عليه وسلم showed great restraint, tolerated his harsh words, then said: 'O 'Uthmān, a day will come when you would perhaps see this key to the Baytullah in my hands when I shall have the power and choice to give it to anyone I

choose.' 'Uthmān ibn Ṭalḥah said: 'If this happens, the Quraysh will then be all uprooted and disgraced.' He said: 'No, the Quraysh will then be all established and very honourable indeed.' Saying this, he went into the Baytullāh. After that, says Ṭalḥah, when I did a little soul-searching, I became convinced that whatever he has said is bound to happen. I made up my mind that I am going to embrace Islam then and there. But, my own people around me vehemently opposed the idea and everybody joined in to chide me on my decision. So, I was unable to convert to Islam. When came the conquest of Makkah, the Holy Prophet صلى الله عليه وسلم called for me and asked for the key to Baytullāh, which I presented to him.'

In some narrations, it is said that 'Uthmān ibn Ṭalḥah had climbed over the Baytullāh with the key. It was Sayyidnā 'Alī رضي الله عنه who, in deference to the order of the Holy Prophet صلى الله عليه وسلم, had forcibly taken the key from his hand and had given it to the Holy Prophet ﷺ.

So he went into the Baytullāh, offered his prayers there, and when he came out, he returned the key to Ṭalḥah saying: 'Here, take it. Now this key will always remain with your family right through the Last Day. Anyone who will take this key from you will be a tyrant.' (By this he meant that nobody has the right to take back this key from Ṭalḥah) He also instructed him to use whatever money or things he may get in return for this service to Baytullāh in accordance with the rules set by the Shari'ah of Islam.

'Uthmān ibn Ṭalḥah says: 'When I, with the key in my hand, started walking off all delighted, he called me again, and said: 'Remember 'Uthmān, did I not tell you something way back? Has it come to pass, or has it not?' Now, I remembered what he had said before Hijrah when he had said: 'A day will come when you will see this key in my hand.' I submitted: 'Yes, there is no doubt about it. Your word has come true.' And that was the time when I recited the *Kalimah* and entered the fold of Islam.' (Mazharī, from Ibn Sa'd).

Sayyidnā 'Umar ibn Al-Khaṭṭāb رضي الله عنه says: 'That day, when the Holy Prophet صلى الله عليه وسلم came out of the Baytullāh, he was reciting this very verse, that is, *إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا* (58). I had never heard him recite this verse before this.' Obviously, this verse was revealed to him inside the Ka'bah exactly at that time. Obeying the Divine

command in the verse, the Holy Prophet صلى الله عليه وسلم called 'Uthmān ibn Ṭalhah again and made him the trustee of the key, because 'Uthmān ibn Ṭalhah when he had given the key to the Holy Prophet صلى الله عليه وسلم, had said: 'I hand over this article of trust to you.' Although, the remark he made was not technically correct as it was the sole right of the Holy Prophet صلى الله عليه وسلم to take whatever course of action he deemed fit. But, the Holy Qur'an has, in this verse, taken into consideration the nature of trust involved therein, and directed the Holy Prophet صلى الله عليه وسلم to return the key to none else but 'Uthmān, although, that was a time when Sayyidnā 'Abbās and Sayyidnā 'Alī رضي الله عنهم had both requested that, since Baytullāh's offices of water supply and custodial services (Siqāya and Sidāna) were in their respective charge, this service of the Key-Bearer of the Ka'bah may be entrusted to them. But, the Holy Prophet صلى الله عليه وسلم preferred to follow the instruction given in this verse, bypassed their request and returned the key to 'Uthmān ibn Ṭalhah. (Tafsīr Maḥzarī)

This was the background in which this verse was revealed. At this point let us bear in mind an important rule on which there is a consensus. The rule is that even if a Qur'anic verse is revealed in a particular background, the rule laid down by it in general terms must be taken as of universal application and must not be restricted to that particular event.

Now, we can turn to the meanings and exegetic aspects of these verses.

The Holy Qur'an says: **إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا**. It means: 'Surely, Allah commands you to fulfill trust obligations towards those entitled to them.' As to who is the addressee of this command, there are two probabilities: It could have been addressed to the general body of Muslims, or it could have been addressed particularly to those in authority. What is more obvious here is that the verse is addressed to everyone who holds anything in trust. This includes the masses and also those in authority.

The emphasis laid on fulfilling trust obligations

The functional outcome of the command in the verse is that everyone who holds anything in trust with him is duty-bound to see that trust obligations are faithfully fulfilled and that the rightful

recipients have in their hands what is their due. The Holy Prophet ﷺ has laid great stress on the fulfillment of trust obligations. Sayyidna Anas رضي الله عنه says: 'It must have been a rare sermon indeed in which the Holy Prophet صلى الله عليه وسلم may not have said the following words:

لَا إِيمَانَ لِمَنْ لَا أَمَانَةَ لَهُ، وَلَا دِينَ لِمَنْ لَا عَهْدَ لَهُ

"One who does not fulfill trust obligations has no Faith (*Īmān*) with him; and one who does not stand by his word of promise has no religion (*Dīn*) with him." (Reported by al-Baihaqī in *Shu'ab al-Īmān*)

Breach of Trust is a Sign of Hypocrisy

According to narrations from Sayyidnā Abū Hurairah and Sayyidnā Ibn 'Umar رضي الله عنهم appearing in al-Bukhārī and Muslim, the Holy Prophet صلى الله عليه وسلم, while describing the signs of hypocrisy on a certain day, pointed out to a particular sign which was: 'Give him an *amānah* and he will do *khiyānah*.' It means when an hypocrite is charged with a trust obligation, he will commit a breach of trust.

Kinds of trust obligations

Here, worth pondering is the Qur'ānic use of the word, *Amānāt* which is in the plural form. This is to hint that *amānah* (trust obligation) is not simply limited to cash or kind which someone may have entrusted to someone else for safe-keeping until demanded, which is the most prevailing and commonly understood form of *amānah*. The cue is that there are other kinds of *amānah* as well. For example, the incident mentioned earlier under the background of the revelation of this verse does not have any financial aspect to it. The key to the Baytullāh was not a financial asset. Instead, this key was a symbol of the office of the serving keeper of the Baytullāh.

The offices of authority and government are trusts from Allah

This tells us that offices and ranks of government, whatever they may be, are all handed over to the recipients as trust from Allah. Those who receive it are its *amīn* (trustees). This covers all officials and everyone else in authority who wield the powers of appointments and dismissals. For them, it is not permissible that they give any office or job or responsibility to anyone who is not deserving of it in terms of his relevant practical expertise or intellectual capability. Instead of doing that, it is incumbent on those in authority that they must make

a serious search for the most deserving person for every job, every office within the jurisdiction of the government.

Cursed is he who appoints somebody undeserving to any office

In case, it is not possible to find the most perfect person for an office, someone with the most desirable qualifications and capabilities, someone who combines in himself all required conditions, then, preference may be given to the one who is superior-most in terms of his capabilities and trustworthiness from among the many of those available.

In a ḥadīth, the Holy Prophet صلى الله عليه وسلم has been reported to have said: If a person, who has been charged with some responsibility relating to the general body of Muslims, gives an office to someone simply on the basis of friendship or connection of some sort, without finding out the capability or merit of the person concerned, the curse of Allah falls on him. Not accepted from him is any act of worship which he has been obligated with (*farḍ*) nor any of that which he offers voluntarily (*nafl*), all along till the time he enters the Hell. (Jam'ul-Fawā'id, p. 325)

In some narrations it is reported that whoever entrusts a person with an office of responsibility, although he knows that there is another person more suited and more deserving for that office, then, he has committed a breach of trust against Allah, against His Messenger and against all Muslims.

The chaos and corruption seen in many systems of governance these days is a sad consequence of ignoring this Qur'ānic teaching, as offices are distributed on the basis of connections, recommendations and bribes. The result is that undeserving and unmerited people usurp offices they are not fit to occupy, doing nothing but harassing millions of God's own people, and in the process, destroying the very edifice of the system.

Therefore, the Holy Prophet صلى الله عليه وسلم said:

إذا وسد الامر الى غير اهله فانتظر الساعة

"When the responsibility of affairs is placed under the charge of those who are not deserving of and fit for it, then, wait for the Day of Doom (that is, there is no solution for this chaos)."

This instruction appears in a ḥadīth from Kitāb al-'Ilm of Ṣaḥīḥ al-Bukhārī.

To recapitulate, let us remember that the Holy Qur'ān uses the plural form for trust obligations, that is, 'Amānāt', and thus gives the hint that trust obligations do not simply relate to property or other financial assets held in trust by one person on behalf of the other. Instead of that, it has many kinds, included wherein are offices of the government.

There is a ḥadīth where the Holy Prophet صلى الله عليه وسلم has said: **الْجَالِسُ بِالْأَمَانَةِ** (Meetings are a kind of trust). It means that anything said in a meeting is a matter of trust restricted to it. Reporting and publicizing what transpired there without the permission of participants is not permissible.

Similarly, another ḥadīth says: **الْمُسْتَشَارُ مُؤْتَمِنٌ**. It means: 'The consultant is a trustee.' It is incumbent on him that the counsel he gives must be, in his best judgement, most beneficial for the seekers of the advice. If he gives an advice which he knows is not in the best interest of the seeker of the advice, he has committed a breach of trust right there. Similarly, if someone confides you with his secret, it becomes an article of trust kept on his behalf. Disclosing it to anyone without his permission is a breach of trust. So, the present verse tells us to be very particular in fulfilling all such trust obligations as due.

It was just the explanation of the first sentence of the first verse which has brought us this far. Now, we proceed with the explanation of the second sentence of the first verse (58) which reads: **وَإِذَا حُكِمْتُمْ بَيْنَ النَّاسِ** **وَإِذَا حُكِمْتُمْ بَيْنَ النَّاسِ** (when you judge between people, judge with fairness). What is obvious here is that the mode of address in the verse refers to those in authority who decide cases of dispute. Taking their cue from here, some commentators have concluded that the addressee in the first sentence is the same as in the second, that is, those in authority. This does not take into consideration the leeway that exists here too, very much like it is in the first sentence, that is, the probability exists that both office-holders and masses are included in this address for the simple reason that among the common people at large the usual practice is to appoint a neutral arbitrator to judge and decide between disputing parties. However, there is no doubt that, at the first sight,

the addressees of both these sentences appear to be none but those in authority. Therefore, it can be said that their addressees are, primarily, those in authority; while, secondarily, this address is also directed at all those who are keepers of trusts, and who have been appointed to arbitrate in some case.

It should be noted that Allah Almighty has said: **بَيْنَ النَّاسِ** that is, "between people"; and not anything like, 'between Muslims' or 'between believers.' Thus, the hint given is that all human beings are equal in the sight of the decider of cases in dispute. They may be Muslims or non-Muslims, friends or enemies, or they may belong to the same country, colour, language, or may be from another country, differ in colour and speak a different language. Those who have been made responsible to judge between them are duty-bound to cast aside all these connections and give their decision guided by whatever be the dictate of truth, right and just.

Equity and justice guarantee world peace

In a nutshell, it can be said that the first sentence of this verse carries the command to fulfill trust obligations, while equity and justice have been enjoined in the second. Between the two, the fulfillment of trust obligations has been given precedence. Perhaps, the reason for this may be that the establishment of a system that guarantees equity and justice all over a country is just not possible without it. It means that those who hold power in a country must, first of all, fulfill their trust obligations, a bounden duty which has to be discharged correctly and properly. Consequently they must appoint only those to the offices of the government who prove to be the best of the lot in terms of their ability to perform the required job and in terms of their trustworthiness and honesty. In this matter, no backdoors should be opened by acting on the basis of friendship, relationships, connections, recommendations and bribes. If this is not done, the result will be that gangs of the undeserving, and the incapable, or hosts of usurpers and tyrants will take over all offices and entrench themselves. When this happens, those at the highest level of power and authority cannot, even if they genuinely wish to usher an era of equity and justice in the country, do anything about it. The whole thing will just become impossible because these very officials of the

government are supposed to be the functionaries of the government through which it acts. When these officials turn pilferers of the trust or are flatly incapable of performing the duty entrusted to them, how can equity and justice be installed in a system?

Specially worth-remembering in this verse is that Allah Almighty has, by equating offices of the government with the trust obligations, made it clear at the very outset that *amānah* or whatever is held in trust should be handed over, properly and duly, to the person who is its rightful owner. It is not permissible to dole out what is held in trust to some beggar or someone needy just out of pity or mercy; or, it is also not correct to give out something held in trust just to fulfill the rights of some relative or friend. This is about *amānah* as it relates to common trust holdings. Not too different from this are trust obligations seen in broader perspective. Very similar are the offices of the government on which hinges a whole roster of things that have to be done in the best interests of the masses of men and women created by Allah Almighty. These too are trusts. They too have to be returned. But, they must be handed over to those who are its rightful, deserving recipients, those who have the ability to do what is required of them, have the qualification, the capability, and are clearly the best of those suitable and available for this office, and finally, are clearly superior to those in line in terms of their honesty and trustworthiness. If this office is given to anyone else other than these, this will be deemed as a contravention of the Divine instruction, that is, the trust obligations will not have been fulfilled as is their due.

Giving offices of government on the basis of regional or provincial considerations is an error of principle

Furthermore, this sentence of the Wise Qur'an has removed the common error which has been adopted as a rule of law in many countries and constitutions of the world whereby the offices of the government have been declared as the right of the people of a country. Because of this error of principle, laws had to be enacted to guarantee the distribution of government offices on the basis of the ratio of the population. As such, every province or state of a country has fixed quotas. A person from another province or state cannot be appointed on the quota of one province, no matter how deserving and trustworthy he

may be and no matter how undeserving and evil-doing the man from the latter may be. The Qur'an has openly proclaimed that these offices are not rights to be claimed by somebody. Instead, they are trusts which can be given only to those who deserve it. They may belong to one province or the other, one zone or the other. However, there is nothing wrong in preferring to appoint a person belonging to the area where the government has to have an office. Actually, there may be many beneficial considerations behind it, but, the condition is that the essential ability and trustworthiness of the incumbent must be checked and found satisfactory before such an appointment.

State structure and some golden principles

So, from within the framework of this brief verse, some basic principles emerge. These are:

1. By beginning the first sentence of the verse with **إِنَّ اللَّهَ يَأْمُرُكُمْ** (Surely, Allah commands you ...), it has been clearly indicated that the real command and rule is from Allah Almighty. All rulers of the mortal world are the carriers of His command. This establishes that the supreme authority, the ultimate sovereignty belongs to none but Allah Almighty.

2. The offices of the government are not the rights of the residents of a country which could be distributed on the basis of the ratio of population. They are, trust obligations placed on our shoulders by Allah Almighty which can be given only to those who are capable and deserving of them.

3. Man's rule on this earth can be legitimate only as a deputy or trustee. While formulating the laws of the land, he will have to be bound and guided by the principles laid down by Allah Almighty, the Absolute Sovereign, and which have been given to man through revelation.

4. It is the standing duty of those in authority that they should, whenever a case comes to them, give a judgement based on equity and justice without making any discrimination on the basis of race, country of origin, colour, language, even religion and creed.

After having enunciated these golden principles of state structure, it has been said towards the end of the verse that the counsel thus

given to man is good counsel, good as it can be, because Allah hears everyone. He observes the state of a person who does not have the ability to speak, not even the power or means to protest. Therefore, the principles made and given by Him are such as will be practice-worthy in every country, every age, always. Principles and orders made by human minds are restricted within the parameters of their environment. They have to be inevitably changed when circumstances change. So, the way those in authority were the addressees in the first verse (58), people at large have been addressed in the second verse (59) by: 'O those who believe, obey Allah and obey the Messenger and those in authority among you.'

'Those in Authority':

Lexically, *أُولِي الْأَمْرِ* (*uli'l-amr*) (translated here as 'those in authority') refers to those in whose hands lies the management and administration of something. Therefore, Sayyidnā Ibn 'Abbās, Mujāhid and Ḥasan al-Baṣrī the earliest commentators of the Qur'ān, may Allah be pleased with them, have said that *uli'l-amr* fittingly applies to scholars and jurists (*Ulamā'* and *Fuqahā'*) since they are the succeeding deputies of the Holy Prophet صلى الله عليه وسلم and the proper regulation of religion is in their hands.

Then, there is a group of commentators, including Sayyidnā Abū Hurairah رضى الله عنه, which says that *uli'l-amr* signifies officials and rulers who hold the reins of government in their hands.

However, it appears in Tafsīr Ibn Kathīr and al-Tafsīr al-Maẓharī that this expression includes both categories, that is, the scholars and jurists as well as the officials and rulers because the system of command is inevitably connected with these two.

A surface view of this verse shows three 'obediences' being commanded here - of Allah, the Messenger and those in authority. But, other verses of the Holy Qur'ān have made it very clear that command and obedience really belong to none but Allah - from Him the command and to Him the obedience. The Qur'ān says: *إِنِ الْمُلْكُ إِلَّا لِلَّهِ* "The command belongs to none but Allah.' But, the practical form of the obedience to His command is divided over four parts.

Forms of obedience to Allah's commands

1. First of all come commands about something which Allah Almighty has Himself revealed very explicitly in the Holy Qur'an and which do not need any explanation - for example, the extremely serious crime of *shirk* and *kufr* (the ascribing of partners to the divinity of Allah, and disbelief); the worship of Allah, the One; the belief in *Ākhirah*, the life-to-come, and in *Qiyāmah*, the Last Day; and the belief in Sayyidnā Muḥammad al-Muṣṭafā صلى الله عليه وسلم as the Last and True Messenger of Allah; the belief in and the practice of *Ṣalāh* (prayers), *Ṣawm* (fasting), *Hajj* (pilgrimage) and *Zakāh* (alms) as *fard* (obligatory). All these are direct Divine commands. Carrying these out means a direct obedience to Allah Almighty.

2. Then, there is the second part consisting of *aḥkām* or commands which needs to be explained. Here, the Holy Qur'an often gives a terse or unspecified command the explanation of which is left to the Holy Prophet صلى الله عليه وسلم. Now, the explanation or enlargement of the subject which the Holy Prophet صلى الله عليه وسلم takes up through his *aḥādīth* is also a kind of *waḥy* (revelation). If these explanations, based on personal judgment, miss something or fall short in any way, correction is made through *waḥy*. Finally, the word and deed of the Holy Prophet صلى الله عليه وسلم as it is in the end, becomes the interpretation of the Divine command.

Obedience to the Divine commands of this nature is, though, the very obedience, of the commands of Allah Almighty in reality, but, speaking formally, since these commands are not physically and explicitly the Qur'an as such - they have reached the community through the blessed words of the Holy Prophet صلى الله عليه وسلم - therefore, obedience to them is academically said to be an obedience to the Messenger which, in reality, despite being in unison with obedience to the Divine, does have a status of its own if looked at outwardly. Therefore, throughout the Holy Qur'an, the command to obey Allah has the allied command to obey the Messenger as a constant feature.

3. The third category of *Aḥkām* or commands are those which have not been explicitly mentioned in the Holy Qur'an or in the Hadīth, or if they do appear in the later, the narrations about such commands found in the enormous treasure-house appear to be conflicting. In the

case of such *ahkam*, Mujtahid 'Ulamā (scholars having the highest multi-dimensional expertise in religious knowledge through original sources) delve into the established texts of the Qur'ān and Sunnah along with a close study of precedents and parallels offered by the problem in consideration, giving their best thought and concern to arrive at the appropriate rule of conduct while staying within the parameters of the imperatives of the sacred texts. This being so, the obedience to these rules is one and the same as the obedience to the Divine because it has been, in all reality, deduced from the Qur'ān and Sunnah. But, when seen formally, these are known as juristic edicts or *fatawā* as popularly understood and are attributed to religious scholars.

Under this very third category, come the *Ahkām* which are free of any restrictions from the Qur'ān and Sunnah. In fact, here people have the choice to act as they wish. This, in the terminology of the Sharī'ah is known as *Mubāhāt* (plural of *Mubāh* meaning 'allowed'). The formulation, enforcement and management of orders and rules of this nature has been entrusted with rulers and their officials so that they can make laws in the background of existing conditions and considerations and make everybody follow these. Let us take the example of Karachi, the city where I live. How many post offices should there be in this city? Fifty or hundred? How many police stations? What transit system will serve the city best? What rules to follow in order to provide shelter for a growing population? All these areas of activity come under *Mubāhāt*, the allowed, the open field. None of its aspects are rated *Wājib* (necessary) or *Ḥarām* (forbidden). In fact, this whole thing is choice-oriented. But, should this choice be given to masses, no system would work. Therefore, the responsibility of organizing and running the system has been placed on the government.

Now, returning to basics it can be said that, in the present verse, the obedience to those in authority means obedience to both '*ulamā*' and *hukkām* (religious scholars and officials). According to this verse, it becomes necessary to obey Muslim jurists in matters which require juristic research, expertise and guidance as it would be equally necessary to obey those in authority in matters relating to administrative affairs.

This obedience too is, in reality, the obedience to the *aḥkām* or commands of Allah Almighty. But, as seen outwardly, these commands are not there in the Qur'ān or the Sunnah. Instead, they are either enunciated by religious scholars or the officials. It is for this reason that this particular call for obedience has been separated and placed at number three and given the distinct identity of 'obey those in authority'. Let us keep in mind that, the way it is binding and necessary to follow the Qur'ān in the specified textual provisions of the Qur'ān and follow the Messenger in the specified textual provisions of the Messenger, so it is necessary to follow Muslim jurists in matters relating to jurisprudence, matters which have not been textually specified, and to follow rulers and officials in matters relating to administration. This is what 'obedience to those in authority' means.

Obedience to authority in anti-Shari'ah activities is not permissible

If we look at verse 58 and the command to 'judge between people with fairness' along with the command to 'obey those in authority' in verse 59, we can see a clear hint to the effect: If the Amīr, the authority in power, sticks to 'adl (justice), obedience to him is *wājib* (necessary); and should he forsake justice and promulgate laws against the Shari'ah, the *amīr* will not be obeyed as far as those laws are concerned. The Holy Prophet صلى الله عليه وسلم has said: *لا طاعة لمخلوق في معصية الخالق*. Literally, 'there is no obedience to the created in the matter of disobedience to the Creator,' which means that such obedience to the created as makes disobedience to the Creator necessary is not permissible.

Another point which emerges from the statement: "And you judge between people, judge with fairness" (verse 58), is that a person who does not have the ability and the power to maintain equity and justice should not become a Qāḍī (judge), because "judging with fairness" is *amānah*, the great charge of the fulfillment of a trust obligation, something which cannot be guarded, defended and fulfilled by a weak and incapable person. Relevant to this is the case of Sayyidnā Abū Dharr رضي الله عنه who had requested the Holy Prophet صلى الله عليه وسلم that he may be appointed as the governor of some place in the Islamic state. In reply, he said:

يا ابادر انك ضعيف وانها امانة وانها يوم القيمة خزي وندامة الا من اخذ
بحقها وادى الذى عليه فيها (رواه مسلم بحواله مظهرى)

"O Abū Dharr, you are weak and this is an office of trust, which may, on the Day of Doom, become the cause of disgrace and remorse, except for one who has fulfilled all his trust obligations, fully and duly (that is, he will be spared of that disgrace)." (Muslim, in Maḥhari)

The just person is the favourite servant of Allah

There is a ḥadīth in which the Holy Prophet صلى الله عليه وسلم has been reported to have said: 'The just person is loved by Allah and he is the closest to Him, while the unjust person is cast far away from the mercy and grace of Allah.'

According to another ḥadīth, the Holy Prophet صلى الله عليه وسلم said to his noble Companions: 'Do you know who will be the first to go under the shade of Allah?' They said: 'Allah and His Messenger know this best.' Then, he said: 'These will be people who, when truth appears, hasten to accept it; and when asked, they spend their wealth; and when they judge (between people), they do it as fairly as they would have done for themselves.'

The Proof of *Ijtihād* and *Qiyās*

Finally, let us now refer to the statement: فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ in verse 59 (Then, if you quarrel about something, revert it back to Allah and the Messenger.)

This 'reverting back to Allah and the Messenger' takes two forms:

1. Revert to *aḥkām*, the code of commands as mandated in the Book of Allah and the Sunnah of the Messenger of Allah.
2. If the textually-mandated *aḥkām* do not exist, the act of reverting back will be accomplished by analogical deduction (*Qiyās*) as based on their precedents.

The words of the expression: فَرُدُّوهُ (revert it back) are general, thus being inclusive of both forms.

Verses 60 - 64

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنْزِلَ إِلَيْكَ وَمَا أُنْزِلَ

مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ
 يَكْفُرُوا بِهِ ۚ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا ﴿٦٠﴾ وَإِذَا
 قِيلَ لَهُمْ تَعَالَوْا إِلَى مَا أَنْزَلَ اللَّهُ وَإِلَى الرَّسُولِ رَأَيْتَ
 الْمُنَافِقِينَ يَصُدُّونَ عَنْكَ صُدُودًا ﴿٦١﴾ فَكَيْفَ إِذَا أَصَابَتْهُمْ
 مُصِيبَةٌ بِمَا قَدَّمَتْ أَيْدِيهِمْ ثُمَّ جَاءُوكَ يَحْلِفُونَ بِاللَّهِ إِنْ
 أَرَدْنَا إِلَّا إِحْسَانًا وَتَوْفِيقًا ﴿٦٢﴾ أُولَئِكَ الَّذِينَ يَعْلَمُ اللَّهُ مَا
 فِي قُلُوبِهِمْ فَأَعْرِضْ عَنْهُمْ وَعِظْهُمْ وَقُلْ لَهُمْ فِي أَنْفُسِهِمْ
 قَوْلًا بَلِيغًا ﴿٦٣﴾ وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ
 وَلَوْ أَنَّهُمْ إِذْ ظَلَمُوا أَنْفُسَهُمْ جَاءُوكَ فَاسْتَغْفَرُوا اللَّهَ
 وَاسْتَغْفَرَ لَهُمُ الرَّسُولُ لَوَجَدُوا اللَّهَ تَوَّابًا رَحِيمًا ﴿٦٤﴾

Have you not seen those who claim that they have believed in what was revealed to you and what was revealed before you? They want to take their disputes to the Ṭaghūt while they were ordered to reject it. And the Satan wants to mislead them to a remote wrong way. [60]

And when it is said to them, "Come to what Allah has revealed and to the Messenger," you will see the hypocrites turning away from you in aversion. [61]

But, how will it be when they will come to suffer a calamity because of the acts of their own hands, then they will come to you swearing by Allah, "We meant nothing but to promote good and bring about harmony." [62]

Those are the ones Allah knows what is in their hearts. So, ignore what they are and give them good counsel and speak to them about themselves in appealing words. [63]

And We did not send any Messenger but to be obeyed by the leave of Allah. And had they, after having wronged themselves, come to you and sought forgiveness from Allah and the Messenger sought forgiveness

for them, they would have certainly found Allah most-relenting, very-merciful. [64]

Verses previous to these carried the command to revert back to the mandate given by Allah and the Messenger in all matters. In the present verses which follow, the act of reverting to laws contrary to the Shari'ah has been censured.

Commentary

The background of the revelation of these verses

There is a special incident behind the revelation of these verses, the details of which identify a hypocrite by the name of Bishr. He got into a dispute with a Jew. The Jew said, "Let us go to Muḥammad ﷺ and ask him to settle our dispute." But, Bishr, the hypocrite, did not accept this proposal. Instead, he came up with a counter-proposal suggesting that they go to a Jew, Ka'b ibn Ashraf and let him give a decision. Ka'b ibn Ashraf was a tribal chief among the Jews and was a sworn enemy of the Holy Prophet صلى الله عليه وسلم and his Muslim followers. It was a strange coincidence that a Jew would leave his chief aside and elect to go by the judgement of the Holy Prophet ﷺ, while Bishr, who called himself a Muslim, would bypass him and elect to go by the judgement of the Jewish chief. But, there was a secret behind it. Both of them were certain that the Holy Prophet صلى الله عليه وسلم will give a judgement which is bound to be true and just. It will be free from apprehensions about any tilt or favour or misunderstanding. Since the Jew was on the right in this dispute, so he had more confidence in the Holy Prophet صلى الله عليه وسلم as compared to his own chief, Ka'b ibn Ashraf. Bishr, the hypocrite was in the wrong, therefore, he knew that the Prophet's judgement will be against him - even though he claimed to be a Muslim while his adversary was a Jew.

However, after some mutual cross talk between them, both of them agreed upon the option of going to the Holy Prophet ﷺ and requesting him to give a decision in their dispute. So, the case went to him. He made relevant investigation in the case which proved that the Jew was in the right. Consequently, he gave a decision in his favour. But, on the other side, there was Bishr, a pretending Muslim, who lost his case before him. He was not pleased with this judgement, so he hit upon a new plan - to persuade the Jew to somehow agree to go to

Sayyidnā 'Umar ibn al-Khaṭṭāb رضى الله عنه and have him give a decision in their case. The Jew agreed. There was a secret here too. Bishr was under the impression that Sayyidnā 'Umar is usually hard on disbelievers so he would, rather than decide in favour of the Jew, decide in his favour.

Thus, they both reached Sayyidnā 'Umar رضى الله عنه. The Jew told him everything about the incident and also narrated to him how the Holy Prophet صلى الله عليه وسلم had already given his decision in this case and that 'this man was not satisfied with it and had, therefore, brought his case before you.'

Sayyidnā 'Umar رضى الله عنه asked Bishr, "Is this what really happened?" He confessed that this is how it was. Thereupon, Sayyidnā 'Umar رضى الله عنه said: "All right, you wait here, I am coming." He went into the house and came out with a sword which he swung to finish the hypocrite off, saying: "This is the decision for him who is dissatisfied with the decision of the Holy Prophet صلى الله عليه وسلم" (This incident appears in Rūh al-Ma'ānī from Sayyidnā 'Abdullāh ibn 'Abbās as narrated by Tha'labī and Ibn Abī Hātim).

Most commentators have also added that, following this incident, the heirs of the hypocrite thus killed filed a suit against Sayyidnā 'Umar رضى الله عنه accusing him of having killed a Muslim without adequate legal authority as admitted by the Shari'ah of Islām. To strengthen their case, they submitted interpretations of his *kufr* (disbelief) in words and deeds in order to prove his being a Muslim. In the present verse, Allah Almighty has unfolded the reality behind the case, confirming that the person killed was a hypocrite, and thus it was that Sayyidnā 'Umar رضى الله عنه was absolved.

Also reported are some other incidents of this nature where people had bypassed clear Islamic legal verdict to finally accept the decision of a soothsayer or astrologer. It is possible that the present verse was revealed about all such incidents.

The explanation of verses

The first verse (60) exposes the claim of those who say that they have believed in earlier scriptures, the Torah and the Evangile, and now believe in the Book (the Qur'ān) revealed to the Holy Prophet

Muḥammad صلى الله عليه وسلم . That is, earlier in time, they were a part of the community of the people of the Book, then they entered the fold of Islam and became a part of the Muslim community. The verse warns that this claim of theirs is simply a verbal camouflage for their hypocrisy. Their hearts are stuffed with the same old disbelief which has come out in the open during this dispute when Bishr, bypassing the Holy Prophet صلى الله عليه وسلم , proposed that the Jewish chief, Ka'b ibn Ashraf be the judge in that dispute and, in addition to that, later when the Holy Prophet صلى الله عليه وسلم gave a clear and just decision, he found it unacceptable.

The comment which follows immediately, employs the word, "Ṭaghūt" which has been left untranslated. Lexically, "Ṭaghūt" primarily means 'one who exceeds the limits.' In usage, the Satan is referred to as Ṭaghūt. In this verse, carrying the dispute to Ka'b ibn Ashraf has been equated with carrying it to the Satan. The reason could be that Ka'b ibn Ashraf was himself a satan personified, or it could be that bypassing a decision under the God-given law and preferring a decision contrary to it can only come from the teaching of the Satan. About anyone who follows this course, it is clear that he has virtually taken his case to the court of none else but the Satan. Therefore, right there in the end of this verse, there appears the warning that those who follow the Satan, the Satan will mislead them to a remote wrong way.

The second verse (61) tells us that turning away from the decision of the Holy Prophet صلى الله عليه وسلم , given under the dictates of the Shari'ah in matters relating to mutual quarrels and disputes, can never be the response of a Muslim. One who does it has to be a *munāfiq* (hypocrite). Thus, when the disbelief of this hypocrite was practically exposed through his dissatisfaction with the decision of the Holy Prophet صلى الله عليه وسلم , his being killed by Sayyidnā 'Umar became all the more justified, because he no more remained a *munāfiq* (hypocrite) and, in fact, became an open *Kāfir* (or apostate). Therefore, it was said; 'And when it is said to them, "Come to what Allah has revealed, and to the Messenger," you will see the hypocrites turning away from you in aversion.'

The third verse (62) exposes as false all interpretations advanced by

those who bypassed decisions given under God-given laws only to turn to decisions which were contrary to it. Their plea, in gist, was that they did not bypass the Messenger of Allah for any reason of lack of belief in the truth of his station and mission and that they did not prefer the decision of others over his decisions as if it was the ultimate Truth. Rather, they claimed, there were expedient considerations which led them to taking this course of action. For instance, one such expedient consideration was that, a case going to the Messenger of Allah would have meant that the decision would have been strictly legal, true and just - devoid of any options of mutual patch-up and tolerance (of 'other' factors not necessarily just). Naturally, articulating deceptively, they said they took the case somewhere else so that something good shows up for both parties through a mutual conciliation.

As evident, they came up with all these interpretations only when their secret was revealed and their wickedness and hypocrisy came out in the open and their man was killed at the hands of Sayyidnā 'Umar رضى الله عنه. In short, it was a consequence of their evil deed which brought upon them the disgrace or disaster of an accomplice killed, following which they started making statements on oath with all sorts of excuses and interpretations. Allah Almighty, in this verse, makes it very clear that these people are liars in their oaths and interpretations and that everything they have done, they have done because of their disbelief and hypocrisy. Their pattern of behaviour is that, when called to come to the Book of Allah and to His Messenger, they would turn away, all averse - which is no hallmark of a true Muslim. But they, as the verse says, would become all alert once they get into trouble as a result of their own evil deeds - like when the exposure of their breach of trust or hypocrisy brings shame on them, or when it leads to the killing of their man - then, they come to the Messenger swearing by Allah that they meant nothing but good. That they took their case to somebody else was not because they did not believe in the Prophet, or that they doubted the veracity of his judgement, but that their aim was to promote good and bring about harmony between the disputing parties.

The fourth verse (63) comes up with the answer. It says that Allah

is all-aware of the disbelief and hypocrisy rooted in their hearts. All their interpretations are false, and their oaths, an exercise in lying. So, the Holy Prophet ﷺ is being asked to ignore their excuses and reject their charge of excess against Sayyidnā 'Umar رضى الله عنه, as the disbelief of this particular hypocrite had become manifest.

After that, towards the end of this verse (63), the Holy Prophet ﷺ has been asked to give good counsel to the rest of the hypocrites as well, in a way that may touch their hearts, that is, tell them to fear what lies beyond the present life and invite them to follow the path of Islam sincerely, or remind them of their likely worldly punishment in the event they stuck to their hypocrisy which might be exposed some day, some time, and they might as well meet the same fate as did Bishr, the hypocrite.

The fifth verse (64) begins by stating a universal Divine principle: 'And We did not send any Messenger but to be obeyed by the leave of Allah.' It means that any Messenger who was sent by Allah was sent so that everyone obeys the rules set by him in accordance with the will and command of Allah Almighty. In that case, the inevitable consequence will be that anyone who opposes the rules set by the Messenger will be dealt with in the manner disbelievers are dealt with. Therefore, whatever Sayyidnā 'Umar رضى الله عنه did turned out to be correct. Following this appears an advice in the best interest of the hypocrites indicating that they would have done better if, rather than indulge in false oaths and interpretations, they would have confessed their error and presented themselves before him seeking forgiveness from Allah, and the Messenger too prayed for their forgiveness, then, Allah Almighty would have certainly accepted their repentance.

At this place, for the repentance to be acceptable, two things have been made binding: That they present themselves before the Holy Prophet صلى الله عليه وسلم and that he then prays for their forgiveness. Perhaps, the first reason is that they violated the great station of prophethood bestowed by Allah Almighty on His noble Messenger ﷺ and caused him undue pain by disregarding the decision given by him. So, in order that their repentance over their crime becomes acceptable, the condition that they present themselves before the Holy Prophet ﷺ and that he prays for their forgiveness was imposed on them.

Although, this verse (64) was revealed in the background of a particular incident relating to the hypocrites, yet its words yield a general ruling which stipulates that anyone who presents himself before the Holy Prophet صلى الله عليه وسلم and he prays for his forgiveness, he will definitely be forgiven. And 'the presence before the Holy Prophet ﷺ,' as it would have been during his blessed life in this mortal world, holds the same effect even today as the visit to the sacred precincts of the Mosque of the Prophet and the act of 'presenting' oneself before the blessed resident of the sanctified mausoleum falls within the jurisdiction of this rule.

Sayyidnā 'Alī رضي الله عنه has said: "Three days after we all had finished with the burial of the Messenger of Allah صلى الله عليه وسلم a villager came and fell down close to the blessed grave. Weeping bitterly, he referred to this particular verse of the Qur'an and addressing himself to the blessed grave, he said: 'Allah Almighty has promised in this verse that a sinner, if he presented himself before the *Rasul* of Allah, and the *Rasul* elects to pray for his forgiveness, then he will be forgiven. Therefore, here I am, presenting myself before you so that I may be blessed with your prayer for my forgiveness.' People personally present there at that time say that, in response to the pleading of the villager, a voice coming out from the sanctified mausoleum rang around with the words: *قَدْ غُفِرَ لَكَ* meaning: You have been forgiven. (al-Bahr al-Muhit)

Verse 65

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِيْٓ أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا ﴿٦٥﴾

So never, by your Lord, never shall they become believers unless they make you the judge in the disputes which arise between them, then find no discomfort in their hearts against what you have decided and surrender to it in total submission. [65]

Commentary

Not accepting the decision of the Holy Prophet is *Kufr*

This verse, while projecting a powerful view of the highly exalted

station of the noble Prophet صلى الله عليه وسلم, presents a very explicit statement concerning the need to obey him, something conclusively proved by so many verses of the Holy Qur'an. The verse opens with the ultimate oath, "by your Lord", following which Allah Almighty proclaims that nobody can become a Muslim unless he accepts the verdict of the Holy Prophet صلى الله عليه وسلم willingly, calmly and fully to the extent that there remains even in his heart not the slightest strain because of this verdict.

The Holy Prophet صلى الله عليه وسلم is himself the exerciser of God-given authority over his community in his capacity as the Messenger of Allah and he is thus responsible for adjudicating in every dispute that may arise. The authority he exercises in making decisions certainly does not depend upon his being made a judge by some litigants. We should also keep in mind that Muslims have been asked to make the prophet their judge because people are generally not satisfied with judgements delivered by someone appointed by the government as compared with an arbitrator they themselves choose to have. But, the Holy Prophet صلى الله عليه وسلم is not only the ruler of a state, he is a Messenger of Allah, protected against sins by Him, and sent as mercy for the worlds, and also a loving father for his community - so, the compassionate instruction given is that, whenever a situation of conflict arises in social or religious matters, the contesting parties are duty-bound to make the Holy Prophet صلى الله عليه وسلم the arbitrator and judge and have him give the final verdict, and once the verdict has been given by him, let them all accept it whole-heartedly and act accordingly.

The Authority of the Holy Prophet ﷺ extends to all times

Commentators say that acting in accordance with this command of the Holy Qur'an is not restricted to the blessed times when he graced this mortal world. After him, the verdict of the sacred Law left by him, is nothing but his own verdict. Therefore, the rule reigns supreme right through the Last Day, the rule that guidance should be sought by turning directly to the Holy Prophet صلى الله عليه وسلم during his blessed life-time, and after him, one must turn to his Shari'ah which is, in all reality, a return to him, may Allah bless him for ever and ever.

Some problems and their solutions

1. To begin with, as already stated earlier, the rule is that a person who is not satisfied with the decision given by the Holy Prophet ﷺ, in every dispute and in every problem or issue, is not a Muslim. As we already know, this was the reason why Sayyidnā 'Umar killed the person who was not satisfied with the decision given by the Holy Prophet ﷺ following which he carried the case to Sayyidnā 'Umar for an alternate judgement. The heirs of the person killed went to the court of the Holy Prophet ﷺ with a suit against Sayyidnā 'Umar accusing him of having killed a Muslim without a valid legal reason. It is important to note here, and this has not been taken up earlier, that the following words, when the case was presented before the Holy Prophet ﷺ, came out spontaneously from his blessed lips: " ما كنت أظن أن عمر يجترء على قتل رجل مؤمن " (that is, I never thought 'Umar will ever dare killing a believing Muslim). This proves that the higher authority, when approached with an appeal against the decision of a lower authority, should not take sides with his subordinate authority, but should come up with a decision based on justice and fairness alone, as it has been illustrated above where the Holy Prophet ﷺ expressed his displeasure over the decision of Sayyidnā 'Umar - before the revelation of the verse had a bearing on this incident. Once this verse was revealed, the reality came out in the open that the person killed was not a believing Muslim as confirmed by this verse.

2. The second ruling which emerges from the expression: **فِيمَا شَجَرَ** (in the disputes which arise) settles that it is not restricted to dealings and rights alone; it covers articles of belief, ideas and many other theoretical problems. (al-Bahr al-Muhīt) Therefore, given such a wide spectrum of intellectual and social activity, it is not unlikely that things could go to the undesirable limits of mutual differences in views and ways when confronting a certain problem. When this does happen, it is the duty of a Muslim not to continue mutual disputation, instead of which, both parties should revert back to the Holy Prophet ﷺ, and when he is not with them personally, they must revert back to his Shari'ah to search for the solution of their problems.

3. The third rule of self-assessment that we find from here is:

Doing something, which was provenly said or done by the Holy Prophet صلى الله عليه وسلم, with a heavy heart is a sign of weakness in faith ('Imān). For example, there are occasions when the Shari'ah has allowed the performance of *ṣalāh* by making *tayammum* in place of the regular *wuḍū* with water; now, if a person feels uneasy and not so satisfied with the idea of making the symbolic *tayammum* in place of a regular *wuḍū* he would very much like to do, then, he should not take this attitude of his as a sign of *taqwā* or piety, instead, he should take it to be caused by some spiritual sickness. Who can be more *muttaqī*, more God-fearing than the Holy Prophet صلى الله عليه وسلم? If the form and condition in which he allowed people to perform their prayers while sitting - and he himself performed it while sitting - does not find favour with a person looking for the satisfaction of his heart, and he elects to undergo unbearable hardship by insisting to stand and perform his prayer in that position, then, he better be sure that there is some sickness in his heart. However, if a person, whose pain or discomfort or need is not that acute, elects not to use the leave (*rukhsah*) given to him by the Shari'ah and, instead of that, chooses to take the path of high determination ('*azīmah*) which is, then, correct in accordance with the very teaching of the Holy Prophet ﷺ. But feeling any strain in utilizing the leaves (*rukhsah*) granted by the Shari'ah as some sort of absolute rule is no *taqwā*. It is for this reason that the Holy Prophet ﷺ has said: *إِنَّ اللَّهَ تَعَالَى يُحِبُّ أَنْ تُؤْتَى رِخْصَةً كَمَا يُحِبُّ أَنْ تُؤْتَى عَزَائِمُهُ* (that is, 'the way Allah Almighty is pleased with what is done with high determination, so is He pleased with what is done by using leaves.')

The best method of general *'Ibadāt* (acts of worship), *Adhkār* (plural of *dhikr*: the remembrance of Allah), *Aurād* (plural of *wird*: self-allotted voluntary recitations, made privately in specified hours of the morning or night), *Durūd* (prayer to Allah that peace and blessings be on the Holy Prophet صلى الله عليه وسلم), and *Tasbīḥ* (glorification of Allah) is no different than what used to be the routine of the Holy Prophet ﷺ himself and which was, after him, followed consistently by his noble Companions, may Allah be pleased with them all. All Muslims must, as a matter or personal obligation, find these out from the authentic and sound narrations of ḥadīth so that they can make them an integral part of their daily routine of life.

Special Note

Details given above clearly show that the Holy Prophet ﷺ was not only a reformer and moral leader but was a just ruler as well, an authority of such class and majesty that his judgement was declared to be the very criterion of belief and disbelief, a distinguishing feature between 'Imān and Kufr, as evident from the incident relating to Bishr, the hypocrite. To make this prophetic station more explicit, Allah Almighty has, at many places in His sacred Book made the obedience of the Holy Prophet صلى الله عليه وسلم mandatory along with His own due obedience incumbent on all believers. Thus, the Qur'an says: أَطِيعُوا اللَّهَ أَطِيعُوا الرَّسُولَ (Obey Allah and obey the Messenger - 3:32; 3:132; 4:59; 5:92; 24:54; 47:33; 64:12). Then, elsewhere it says: مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ (Whoever obeys the Messenger, he really obeys Allah - 4:80).¹

A little deliberation in these verses will unfold the radiant grandeur of his authority, a practical demonstration of which became manifest when Allah Almighty sent to him His Law so that he can decide cases in accordance with it. Therefore, it was said: إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ (that is, 'We revealed to you the Book with the truth so that you may judge between people by what Allah makes you see.') (4:105)

Verses 66 - 68

وَلَوْ أَنَّا كَتَبْنَا عَلَيْهِمْ أَنْ اقْتُلُوا أَنْفُسَكُمْ أَوْ اخْرَجُوا مِنْ دِيَارِكُمْ مَا فَعَلُوهُ إِلَّا قَلِيلٌ مِنْهُمْ وَلَوْ أَنَّهُمْ فَعَلُوا مَا يُوعَظُونَ بِهِ لَكَانَ خَيْرًا لَهُمْ وَأَشَدَّ تَثْبِيثًا ﴿٦٦﴾ وَإِذَا لَا تَأْنِيَهُمْ مِنْ لَدُنَّا أَجْرًا عَظِيمًا ﴿٦٧﴾ وَلَهَدَيْنَاهُمْ صِرَاطًا مُسْتَقِيمًا ﴿٦٨﴾

And if We had prescribed for them that they should kill themselves or that they should migrate from their homeland, they would have not done it, except a few of them. And if they had done what they were advised to do it would have been better for them, and more effective in making (them) firm. [66] And in that case, We would have certainly given them a great reward [67]

1. For a detailed treatment of this aspect, please see "The Authority of Sunnah" by Muhammad Taqi Usmani.

and we would have certainly led them to a straight path. [68]

The present verses and those appearing immediately earlier were revealed in the background of an incident relating to Bishr, the hypocrite. As we already know, he had first proposed Ka'b Ibn Ashraf, the Jew as the adjudicator of his dispute, but, later on, mutual discussions forced him to go to the Holy Prophet صلى الله عليه وسلم for this purpose. Since the judgement of the Holy Prophet صلى الله عليه وسلم was against him, he did not accept it and went to Sayyidna 'Umar رضى الله عنه for a totally fresh decision.

When the news of this incident got around in the city of Madīnah, the Jews chided Muslims by saying: 'What sort of people you really are? Here you are believing in a Messenger of Allah and claiming to follow him, yet you do not accept his decisions! Look, in order that their repentance be accepted, the Jews were commanded to kill each other. This was a severe command, but we obeyed it, so much so that seventy thousand of our people were killed. If you were given a command like that, what would you have done?' Thereupon, the verse: **وَلَوْ أَنَّا كَتَبْنَا عَلَيْهِمْ** (And if We had prescribed for them ...) was revealed. It means: If these hypocrites, or all common people, disbelievers or believers, were charged with some severe command, such as that of self-killing or migration like the Banī Isrā'īl were ordered to do, very few of them would have, being what they are, obeyed this command.

On the one hand, there is a stern warning here for people who try to seek the solutions of their disputes, not from the Messenger of Allah, or not from the Law and Way of the Messenger of Allah, but take it elsewhere. On the other hand, it answers the chiding of the Jews because this state of affairs fits the hypocrites and certainly not those who are firm in their faith as true Muslims. This is proved by what happened when this verse was revealed. Someone from among the noble Companions, may Allah be pleased with them all, said: 'Allah did not put us through this trial.' When this statement was relayed to the Holy Prophet صلى الله عليه وسلم, he said: 'There are people in my community in whose heart Faith is entrenched firm like mountains.' Ibn Wahab says that this statement was made by Sayyidna Abū Bakr رضى الله عنه .

According to another narration, when Sayyidnā Abū Bakr رضى الله عنه heard this verse, he said: 'Had this command been prescribed, by God, I would have been the first to sacrifice myself and my family to obey it.'

According to some other narrations, when this verse was revealed, the Holy Prophet صلى الله عليه وسلم said: 'If this command to self-kill or migrate had come from Allah, Umm 'Abd (meaning Sayyidnā 'Abdullāh ibn Mas'ūd رضى الله عنه) would have definitely acted accordingly.' As for migration, the noble Companions acted faithfully and selflessly when they left their homes in Makkah, left their properties and businesses, and migrated to Madīnah.

Towards the end of the verse (66), it has been said that, difficult though it may seem, yet doing so in obedience to their Lord's command would turn out to be better for them in the end. This will make their faith more firm, bringing a great reward from Allah, and the blessing of being guided to the straight path.

This great reward promised here in the end of verse 67 for those who obey Allah and His Messenger has been described immediately after in verses 69 and 70 which follow with detailed explanations of the promised ranks.

Verses 69 - 70

وَمَنْ يُطِيعِ اللَّهَ وَالرَّسُولَ فَأُولَٰئِكَ مَعَ الَّذِينَ أَنْعَمَ اللَّهُ عَلَيْهِمْ
مِنَ النَّبِيِّينَ وَالصِّدِّيقِينَ وَالشُّهَدَاءِ وَالصَّالِحِينَ وَحَسُنَ أُولَٰئِكَ
رَفِيقًا ﴿٦٩﴾ ذَٰلِكَ الْفَضْلُ مِنَ اللَّهِ وَكَفَىٰ بِاللَّهِ عَلِيمًا ﴿٧٠﴾

And those who obey Allah and the Messenger are with those whom Allah has blessed, namely, the prophets, the *Siddiqīn*¹, the *Shuhadā'*², and the righteous - and

1. *Siddiq*, lexically means 'very truthful'. In the Islamic terminology, it normally refers to those Companions of a prophet who excel all others in their submission to Allah and His Messenger. They enjoy the highest status of piety after the Prophets, like Sayyidnā Abū Bakr رضى الله عنه.
2. *Shuhadā'* (pl. of *Shahīd*) means the persons who sacrificed their lives in the way of Allah. The word has not been translated here by the word 'martyr' which sometimes is taken as an equivalent of *Shahīd*, because the word 'martyr' is also applied for the persons killed in ethnic or racial wars while they may not be termed as '*Shuhadā'*' in the Islamic terminology.

what a good company they are. [69] That grace is from Allah and Allah is sufficient being the One who knows.

[70]

In the verses appearing immediately earlier, the promise of a great reward was made to special addressees. What appears in the present verses is a universal promise that those who obey Allah and His Messenger shall be rewarded as a standing rule.

Commentary:

Deeds will be the criterion in ranks of Paradise

Those who do everything Allah and His Messenger have asked them to do and stay away from everything Allah and His Messenger have prohibited, shall receive different ranks in terms of their deeds. The foremost among them will be blessed with the highest stations of Paradise alongwith the noble prophets, may peace be upon them all. Next to them will come those who will be blessed with the rank of those who are only next to prophets. They are known as the *Ṣiddiqin*, that is, the great Companions of the Holy Prophet صلى الله عليه وسلم who came forward to believe in the very initial stage without any hesitation or hostility, like Sayyidnā Abū Bakr. Then, there will be a third rank of people who will be with the noble *Shuhadā'*. The *Shuhadā'* are people who sacrificed their lives and wealth in the way of Allah. Then, those in the fourth rank will be with the revered Righteous. The *Ṣāliḥīn* or the Righteous are people who restrict themselves, outwardly and inwardly, to doing only what is good and right.

In short, all those who are totally obedient to Allah and His Messenger shall be in the company of those who are the most exalted and the most favoured in the sight of Allah Almighty and who have been identified here under four ranks: Prophets, *Ṣiddiqīn*, *Shuhadā'* and *Ṣāliḥīn* (righteous).

The Background of Revelation

This verse was revealed in the background of a special event which has been reported by the great commentator, Ibn Kathīr as based on several sound authorities.

It so happened, narrates Sayyidah 'Ā'ishah رضى الله عنها, that a Companion came to the Holy Prophet صلى الله عليه وسلم one day and said to

him: 'Yā Rasūlallāh, I hold you dear, dearer than my own life, even more than my wife and more than my children. There are times when I do not seem to be at peace with myself even in my house until I come to you and have the pleasure of looking at you. That finally gives me the peace I missed. Now, I am worried about the time when you will leave this mortal world and I too will be taken away by death. In that case, what I know for sure is that you will be in Paradise with the blessed prophets housed in its most exalted stations. As for myself, first of all, I just do not know whether or not I shall be able to reach Paradise. Even if I do reach there, the level where I shall be will be way below from where you are. If I am unable to visit you and have the pleasure of seeing you there, how am I going to put this impatient heart of mine at rest?'

The Holy Prophet صلى الله عليه وسلم quietly heard what he said, but made no response, until came the revelation of this particular verse (69):

وَمَنْ يُطِيعِ اللَّهَ وَالرَّسُولَ فَأُولَٰئِكَ مَعَ الَّذِينَ أَنْعَمَ اللَّهُ عَلَيْهِمْ مِنَ النَّبِيِّينَ
وَالصَّادِقِينَ وَالشَّهَدَاءِ وَالصَّالِحِينَ (٦٩)

It was only then that the Holy Prophet صلى الله عليه وسلم gave him the glad tidings that the obedient ones shall have occasions to meet with the prophets, the *Ṣiddiqīn*, the *Shuhadā* and the righteous. In other words, despite the relative precedence of ranks in Paradise, there will be occasions of meeting and sitting together.

Some forms of 'meeting' in Paradise

One such form will be that people will see each other from where they are, as it has been reported in Mu'aṭṭā of Imām Mālik on the authority of a narration from Sayyidnā Abū Sa'īd al-Khudrī رضى الله عنه that the Holy Prophet صلى الله عليه وسلم said: 'The inmates of Paradise will see those in the strata above them like you see stars in the physical world.'

Also there will be yet another form when visits will be made to the strata where they are, as Ibn Jarīr has reported on the authority of a narration from Sayyidnā Rabi' that the Holy Prophet صلى الله عليه وسلم, while explaining this verse, said: 'Those of the strata above will come down to those of the strata below to meet and sit with them.'

It is also possible that those of the strata below have the permission to visit and meet those of the higher strata, as the Holy Prophet ﷺ has, on the basis of this verse, given many people the glad tidings of being with him in the Paradise.

It appears in Sahīh Muslim that Sayyidnā Ka'b ibn Aslamī رضي الله عنه used to spend nights in the company of the Holy Prophet صلى الله عليه وسلم. At the time of *Tahajjud* on one of such nights, Sayyidnā Ka'b Aslamī brought water for *wuḍū*, the *miswāk* and other things he might need at that time. The Holy Prophet صلى الله عليه وسلم, quite pleased with him, said: 'Is there anything I can do for you? Go ahead, ask.' Sayyidnā Ka'b Aslamī said: 'I wish to have your company in Paradise.' He said: 'Anything else?' Sayyidnā Ka'b said: 'Nothing else.' Thereupon, the Holy Prophet صلى الله عليه وسلم said: 'If you want to be with me in Paradise, then "أعنى على نفسك بكثرة السجود" (literally - 'help me by taking upon yourself the doing of plenty of prostrations'). The elegant prophetic expression means that 'your wish shall be granted, but you can also help me in this by offering plenty of prostrations (*sujūd*, *sajdah*) that is, plenty of voluntary prayers (*nawāfil*).

According to the Musnad of Aḥmad, a man came to the Holy Prophet صلى الله عليه وسلم and said: 'Yā Rasūlallāh, I have testified that there is none worthy of worship other than Allah, and that you are the true Messenger of Allah, and I dutifully perform the five prescribed prayers every day, pay the Zakāh due on me and fast during the month of Ramaḍān.' Hearing this, the Holy Prophet صلى الله عليه وسلم said: 'Anyone who dies in this state will be with the prophets, the *Ṣiddiqīn* and the *Shuhadā'* - only if he does not disobey his parents.'

Similarly, there is another ḥadīth from Tirmidhī in which the Holy Prophet صلى الله عليه وسلم is reported to have said: التاجر الصدوق الأمين مع النبيين والصديقين والشهداء (The businessman who is truthful and trusty will be with the prophets and the *Ṣiddiqīn* and the *Shuhadā'*).

Love is the *sine qua non* of Nearness

The blessed company of the Holy Prophet صلى الله عليه وسلم can be acquired by loving him. This is conclusively proved by what has been reported in Ṣaḥīḥ al-Bukhārī on the authority of many uninterrupted chains of narrations from a large body of the noble Companions of the Holy Prophet ﷺ that he, on being asked as to what will be the status

of a person who does belong to a group emotionally but fails to achieve the standards of deeds set by it, said: *أَلَزِمَ مَن أَحَبَّ*, that is, (on the Day of Resurrection) everyone will be with the ones whom he loves.

Sayyidnā Anas رضى الله عنه says that the Noble Companions were never so pleased with anything else in this mortal world as they were when they heard this hadīth, because it gave them the most wonderful news, a delightful prophecy indeed, that those who love the Holy Prophet ﷺ will be with their noble master on the plains of Resurrection and in the gardens of Paradise.

The company of the Holy Prophet ﷺ is not restricted to any colour or race

In al-Mu'jīm al-Kabīr al-Ṭabarānī has reported from Sayyidnā 'Abdullāh ibn 'Umar رضى الله عنه that an Ethiopian came to the Holy Prophet صلى الله عليه وسلم and said: '*Yā Rasūlallāh*, may His blessings be upon you, not only that you are distinct from us in the beauty of your physique and the colour of your skin but you also have the distinction of being a prophet and messenger of Allah. Now, if I were to believe in what you believe and do what you do, can I too have the honour of being with you in the Paradise?'

The Holy Prophet صلى الله عليه وسلم said: 'Definitely yes (forget about your being black). I swear by the Power whose hands hold my life that all members of the black race will become fair and beautiful in Paradise radiating in their presence from a distance which might take a thousand years to cover. Then, Allah takes upon Himself the success and salvation of a person who says and believes in *لَا إِلَهَ إِلَّا اللَّهُ* (There is no god but Allah) and a person who recites *سُبْحَانَ اللَّهِ وَبِحَمْدِهِ* (*Subhānallāhi wa biḥamdihī*: 'Pure is Allah and praised is He') has one hundred and twenty four thousand virtues written in his Book of Deeds.'

Hearing this, someone present there said: '*Yā Rasūlallāh*, when Allah is generous in giving such enormous awards on such minor good deeds, how can we ever perish or be punished?' He said: '(That is not the point), the truth is that some people will come up on the Day of Doom with so many virtues and good deeds, so many that, should all these be placed on a mountain, even the mountain would find their weight too heavy to hold. But, when they are compared to the blessings from Allah (bestowed on them in the worldly life), man's deeds

and virtues remain no match to them - unless Allah Almighty Himself elects to be generous and merciful to him.

It was this question and answer with the Ethiopian brother which caused the revelation of the following verse of Sūrah Ad-Dahr: *هَلْ أَتَى عَلَى الْإِنْسَانِ حِينٌ مِّنَ الدَّهْرِ لَمْ يَكُنْ شَيْئًا مَّذْكُورًا* (that is, man has indeed been through a period of time being nothing - 76:1). Surprised, the Ethiopian gentleman asked: 'Yā Rasūlallāh, will my eyes be seeing the same blessing which your blessed eyes will be witnessing?'

He said: 'Definitely yes.' Hearing this, the newly converted Muslim from Ethiopia started weeping and so much so that he died in that very state - weeping his heart out. The Holy Prophet صلى الله عليه وسلم performed his last rites, bathing and shrouding and offering *ṣalātul-janāzah* and burial, all with his own blessed hands.

Ranks of Paradise: Some details

Now that we have gone through an explanation of the verse, including the background of its revelation and related clarifications, the only thing that remains to be determined is the nature of the four ranks of people blessed by Allah. We have to find out as to what is the basis on which these ranks have been established, how they are interconnected and how are they different from each other, and whether or not can these converge into one person.

Commentators have written in great details about this subject. Some say that all these four ranks can be found in one person. According to them, all these attributes are overlapping because the one identified as 'prophet' in the Holy Qur'an has also been called by the title of '*ṣiddīq*'. For example, it has been said about Sayyidnā Ibrāhīm عليه السلام: *إِنَّهُ كَانَ صِدِّيقًا نَبِيًّا* (Surely, he was a man of truth, a prophet - 19:41); and about Sayyidnā Yahyā عليه الصلوة والسلام: *وَكُنِّيَّا مِّنَ الصَّالِحِينَ* (and a prophet from among the righteous - 3:39); and similarly, about Sayyidnā ʿĪsā عليه الصلوة والسلام: *وَكَهْلًا وَمِنَ الصَّالِحِينَ* (and he shall speak to the people in the cradle) 'as well as in middle age, and shall be one of the righteous' - 3:46.

The outcome is that, though these four attributes and ranks are distinct in terms of meaning and sense, yet it is possible to find all these combined in one person. Let us take an example to illustrate the

proposition. Religious scholars, the 'ulamā' are identified by their attributions, such as a Mufasssīr (commentator of the Holy Qur'ān), a Muḥaddith (scholar of ḥadīth), a Faqīh (Muslim jurist), a Muwarrikh (historian). But, there could be some scholars who may combine in their person the excellence of all these fields. In our own time, when the trend is towards inter-disciplinary education and training, it is not so difficult to conceive the convergence of the attributes of a doctor, an engineer and a pilot, all in one person:

However, in accordance with commonly recognized practice, a person gets to be identified with an attribute which comes to take a dominating position in his life-work because of which such a person is usually associated with that particular field. It is for this reason that commentators generally take 'Ṣiddiqīn' to mean the most illustrious Companions of the Holy Prophet صلى الله عليه وسلم and Shuhadā' to mean the martyrs of the battle of Uḥud and Ṣāliḥīn as signifying the general run of righteous Muslims.

Imām Rāghib al-Isfahānī has determined that all these four ranks are different. The same things find mention in Tafsīr al-Baḥr al-Muḥīṭ, Rūḥ al-Ma'ānī and Maḥzarī. The sense of this approach is that Allah Almighty has, in this verse classified true Muslims in four categories or ranks and for each He has appointed stations of precedence, and common Muslims have been induced to see that they do not lag far behind in their efforts to achieve the rankings of any of these ideal ones. Waging the best of their intellectual and practical struggle, they must do the best they can to reach such stations of excellence. However, the station of prophethood is something which can never be acquired by effort and struggle, but there is something one still gets to have and that is the company of the prophets. Imām Rāghib says that the highest among these ranks is that of the prophets, may peace be upon them. They enjoy the support of the Divine power. They are like someone who is seeing something from a close range. Therefore, Allah Almighty has said about such people: اَلْتَمَرُّونَا عَلٰى مَا يَرٰى (Do you argue with him over what he sees? - 53:12).

The definition of the Ṣiddiqīn

The second rank is that of the Ṣiddiqīn. These are people close to the blessed prophets in the quality of spiritual excellence. They are

like someone seeing something from a distance. Somebody asked Sayyidnā 'Alī رضى الله عنه : 'Have you seen Allah Almighty?' He said: 'I cannot worship something I have not seen.' Then, he further said: 'Though people have not seen Allah Almighty with their eyes, but their hearts have seen Him through the realities of faith.' By his act of 'seeing', Sayyidnā 'Alī meant the kind of sighting he has referred to later, for such intellectual or intuitive perception is like seeing.

The definition of the Shuhadā'

The third rank is that of the Shuhadā'. These are people who recognize their ultimate objective through the chain of reasons and proofs. They have no access to direct vision, that is, *mushāhada* is what they miss. They are like someone seeing something in a mirror from a close range - very similar to what Sayyidnā Hārithah رضى الله عنه said: 'I feel I am seeing the Throne of my most sublime Lord.'

The expression أَنْ تَعْبُدَ اللَّهَ كَأَنَّكَ تَرَاهُ (That you worship Allah as if you are seeing Him) in the famous ḥadīth may also be interpreted to mean this very kind of 'seeing'.

The definition of the Ṣāliḥīn

The third rank is that of the Ṣāliḥīn. These are people who recognize their ultimate objective through following the precepts of Sharī'ah. It is like someone sees something in a mirror from a distance. In the other part of the famous ḥadīth quoted above: فَإِنْ لَمْ تَكُنْ تَرَاهُ فَإِنَّهُ يَرَاكَ (And if you cannot see Him, then, He sees you anyway) the reference may be to this very level of 'seeing'. In short, this investigative approach taken by Imām Rāghib al-Isfahānī shows that all these ranks are ranks that reflect the quantum of knowledge one has of His Lord, and that the different gradations that are there are based on the respective rankings of this knowledge. As for the subject of the verse, it is clear enough. Here, all Muslims have been given the glad tidings that those who are totally obedient to Allah and His Messenger shall be with those who hold higher ranks in Paradise. May Allah Almighty bless us all with this love. *Āmīn*.

Verses 71 - 74

يَا أَيُّهَا الَّذِينَ آمَنُوا خُذُوا حِذْرَكُمْ فَانْفِرُوا ثُبَاتٍ أَوْ تَنْفِرُوا

جَمِيعًا ﴿٧١﴾ وَإِنَّ مِنْكُمْ لَمَنْ لَّيَبْطِنَنَّ فَإِنْ أَصَابَتْكُمْ مُصِيبَةٌ قَالُوا قَدْ أَنْعَمَ اللَّهُ عَلَيَّ إِذْ لَمْ أَكُنْ مَعَهُمْ شَهِيدًا ﴿٧٢﴾ وَلَئِنْ أَصَابَكُمْ فَضْلٌ مِّنَ اللَّهِ لَيَقُولَنَّ كَأَنْ لَّمْ تَكُنْ بَيْنَكُمْ وَبَيْنَهُ مَوَدَّةٌ لَّيَلَيْتَنِي كُنْتُ مَعَهُمْ فَأَفُوزَ فَوْزًا عَظِيمًا ﴿٧٣﴾ فَلْيُقَاتِلْ فِي سَبِيلِ اللَّهِ الَّذِينَ يَشْرُونَ الْحَيَاةَ الدُّنْيَا بِالْآخِرَةِ وَمَنْ يُقَاتِلْ فِي سَبِيلِ اللَّهِ فَيُقْتَلْ أَوْ يَغْلِبْ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا ﴿٧٤﴾

O those who believe, take your precautions and march in groups or march off all together. [71] And among you there is one who shall invariably fall back; then, if some calamity befalls you, he would say, "Allah has been so generous to me since I was not present with them." [72] And if there comes to you some bounty from Allah, he shall be saying - as if there was no friendship between you and him - "O that I would have been with them, then, I would have achieved a great success." [73] So, those who sell the worldly life for the Hereafter should fight in the way of Allah. And whoever fights in the way of Allah then gets killed or prevails, to him We shall give a great reward. [74]

Before this, there was the command to obey Allah and His Messenger. Now, in the present verses, Jihād has been prescribed for the obedient and faithful so that they can vitalize their Faith and raise the word of Allah high and supreme. (Qurtubī)

Commentary

Important Notes

In the first part of the verse: لَّيَبْطِنَنَّ الَّذِينَ آمَنُوا خُذُوا حِذْرَكُمْ (O those who believe, take your precautions ...), appears the command to ensure the supply of weapons, while the later part refers to the launching of Jihād action. This tells us two things right away. Firstly, as already clarified at several places, the act of getting together functional means to achieve a good purpose is not contrary to *tawakkul* or trust in God. Secondly, we see that the text limits itself to the command to ensure

the supply of weapons, but it does not promise that, because of this support, Muslims will have any guaranteed security against their enemies. By doing so, it has been indicated that the choice of using means is for nothing but a certain peace of mind, otherwise, the use of means as such does not carry any operational gain or loss. The Qur'an has said: *قُلْ لَنْ يُغِيْبَنَا اِلَّا مَا كَتَبَ اللّٰهُ لَنَا* (O Prophet) say: "Nothing will befall us except what Allah has prescribed for us." (9:51)

2. Let us look at the first verse again. It opens up with the command to get ready for Jihād followed by a description of the marching plan; the later has been expressed in two sentences, that is, *فَانْزِرُوْا ثُبَاتٍ اَوْ اَنْزِرُوْا جَمِيْعًا* (... and march in groups, or march off all together.) Here, the word, '*thubātin*' is the plural form of '*thubātun*' which means a small group and is used to denote a military company and was called a Sariyyah in the military campaigns of the Holy Prophet ﷺ. In that sense, it is being said here that Muslims, when they go out for Jihād, should not start off all alone. They should, rather, set out in the formation of small groups. The other alternative is to march as a large army: '*jamī'an*' because, in fighting, going alone is very likely to hurt --- the enemy is not going to let this opportunity slip out of their hands.

No doubt, this instruction has been given to Muslims for the particular occasion of Jihād, but, even in normal circumstances, this is what the Sharī'ah teaches - do not travel alone. In a ḥadīth, therefore, a lone traveller is called one satan and two of them two satans and three of them become a group or party. Similarly, there is another ḥadīth which says:

خير الصحابة اربعة، وخير السرايا اربع مائة، وخير الجيوش اربعة آلاف

'The best companions are four and the best military company is that of four hundred and the best army is that of four thousand.' (From Mishkāt as reported by Al-Tabarānī)

3. Seen outwardly, the words of the verse 72 (*وَإِنَّ مِنْكُمْ* ...) seem to suggest that this too is addressed to the believers, although the characteristics described later on cannot be taken to be those of the believers. Therefore, al-Qurṭubī says that they signify hypocrites. Since, they were the ones who used to claim being Muslims, at least outwardly. This is why they have been identified as a group from among the believers.

Verses 75 - 76

وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ
وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ
الظَّالِمِ أَهْلُهَا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ وَلِيًّا وَاجْعَلْ لَنَا مِنْ
لَدُنْكَ نَصِيرًا ﴿٧٥﴾ الَّذِينَ آمَنُوا يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ
وَالَّذِينَ كَفَرُوا يُقَاتِلُونَ فِي سَبِيلِ الطَّاغُوتِ فَقَاتِلُوا أَوْلِيَاءَ
الشَّيْطَانِ إِنَّ كَيْدَ الشَّيْطَانِ كَانَ ضَعِيفًا ﴿٧٦﴾

What has happened to you that you do not fight in the way of Allah and for the oppressed among men, women and children who say, "Our Lord, take us out from this town whose people are cruel. And make for us from Your own a supporter, and make for us from Your own a helper." [75] Those who believe fight in the way of Allah and those who disbelieve fight in the way of Ṭaghūt.¹ So, fight the friends of Satan. No doubt, the guile of Satan is feeble. [76]

Commentary

Answering the call of the oppressed

Left behind in Makkah were Muslims who were unable to migrate because of physical weakness and insufficiency of resources. Later on, the disbelievers themselves stopped them from going and started hurting and harassing them in all sorts of ways so that they turn away from their faith in Islam. The names of some of these are preserved in exegetic works, for example, Sayyidnā Ibn 'Abbās and his mother, Sulyma ibn Hishām, Walīd ibn Walīd and Abū Jandal ibn Sahl, may Allah be pleased with them all (Qurtubī). These blessed people kept facing tyranny and torture because of their unflinching faith showing no signs that they would ever surrender their firm stand on Islam. However, they did continue praying to Allah Almighty for deliverance from this hard life which was finally accepted by Him when He commanded Muslims to wage Jihād against the disbelievers and rescue the oppressed from their coercion and persecution.

1. cf. Verse 55

According to this verse, Muslims had requested Allah Almighty the favour of two things - that they be rescued from that town (meaning Makkah) and that they be blessed with some supporter and helper. The fact is that Allah Almighty granted both these prayers when He provided some of them with the opportunity to move out from there which was the fulfillment of their first wish. However, some of them remained staying right there until the Conquest of Makkah. At that time, the Holy Prophet صلى الله عليه وسلم appointed Sayyidnā 'Attāb ibn Asīd as their caretaker and who had the oppressed Muslims delivered from their oppressors. Thus, granted was their second wish as well. It will be noted that the Holy Qur'an, rather than give a straightforward command to fight in this verse, has elected to use the words: مَا لَكُمْ لَا تُقَاتِلُونَ (What has happened to you that you do not fight in the way of Allah?). Here the hint given is that fighting and Jihād is a natural duty under such conditions, not doing which is certainly far from a reasonable man.

Praying to Allah is the panacea for all hardships

The words of prayer in verse 75: الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا tell us that one of the reasons why the command to fight came was the prayer made by these weak Muslim men and women. Allah Almighty responded to their prayer and commanded Muslims to wage Jihād against their oppressors and which put an end to their hardships immediately.

The objectives of war

Verse 76 says that الَّذِينَ آمَنُوا يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ: 'those who believe fight in the way of Allah and those who disbelieve fight in the way of Taghūt.' This clearly shows that the purpose for which a believer strives is to see that the Divine Law becomes operative in this world and that the authority of Allah Almighty reigns supreme, because He is the master of all. He has created the universe in His infinite wisdom, and His Law is based on pure justice, and when the rule of justice is established, there will be peace which sustains. In order that there be peace in the world, it is necessary that it is run under a law which is the Law of the Lord. So, when a true and perfect Muslim fights in a war, this is the purpose before him.

But, in sharp contrast to him, disbelievers seek to spread the message of *kufr*, give it the widest possible currency, and work to bring

about the ascendancy of disbelief. They are all too eager to see that satanic powers rule the world so that everything that constitutes *kufr* and *shirk* can be enforced in the universal order giving it the sheen and glamour of something seemingly positive. Since *kufr* and *shirk* are the ways of the Satan, therefore, the disbelievers help the Satan in doing his job.

The guile of Satan is feeble

The last sentence of verse 76: إِنَّ كَيْدَ الشَّيْطَانِ كَانَ ضَعِيفًا assures that the deceptive plans made by Satan are weak and insubstantial because of which he cannot harm or hurt true Muslims in any way whatsoever. So, Muslims should really not demur when it comes to fighting against the friends of Satan, that is, against the disbelievers. This is because their helper is none other but Allah Himself and, with Allah on their side, the game plan of the Satan is not going to work for them.

And this is what happened at the battle of Badr. There was the Satan by the side of the disbelievers, dishing out his tall claims before them, telling them; لَا غَالِبَ لَكُمْ الْيَوْمَ - 'this day, nobody is going to overpower you' - because: إِنِّي جَارٌ لَّكُمْ (I am your helper by your side. I shall be there with my armies to support you.) When the actual fighting began, he did advance with his army, but no sooner did he notice that angels have arrived to help Muslims, all plans he had made were frustrated and he took to his heels, saying to his disbelieving accomplices: إِنِّي بَرِيءٌ مِّنْكُمْ إِنِّي أَرَىٰ مَا لَا تَرَوْنَ إِنِّي أَخَافُ اللَّهَ وَاللَّهُ شَدِيدُ الْعِقَابِ I bear no responsibility for you. I see what you do not see. I fear Allah for Allah is severe when punishing.) (Mazhari)

That the guile of Satan has been called 'feeble' in this verse (76) is not an isolated statement. There emerge two conditions right from this verse which provide us with an exception. The first one is that the person against whom the Satan is trying his guile must be a Muslim. Then, the second one is that the effort being made by that Muslim must be for the pleasure of Allah alone. In other words, he may not have any selfish motive behind his effort. The first condition emerges from the words: الَّذِينَ آمَنُوا (those who believe) and the second from: يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ (fight in the way of Allah). If either of the two conditions stop existing, then, it is not necessary that the guile of the Satan remains 'feeble' against him.

Sayyidnā Ibn 'Abbās رضى الله عنه has said: 'When you see Satan, do not think twice. Attack him.' After that, he recited this very verse: إِنَّ كَيْدَ الشَّيْطَانِ كَانَ ضَعِيفًا (No doubt, the guile of Satan is feeble.) (al-Qurtubī)

Verses 77 - 79

أَلَمْ تَرَ إِلَى الَّذِينَ قِيلَ لَهُمْ كُفُّوا أَيْدِيَكُمْ وَأَقِيمُوا الصَّلَاةَ
وَاتُوا الزَّكَاةَ فَلَمَّا كُتِبَ عَلَيْهِمُ الْقِتَالُ إِذَا فَرِيقٌ مِنْهُمْ
يَخْشَوْنَ النَّاسَ كَخَشْيَةِ اللَّهِ أَوْ أَشَدَّ خَشْيَةً وَقَالُوا رَبَّنَا لِمَ
كُتِبَ عَلَيْنَا الْقِتَالُ لَوْلَا أَخَّرْتَنَا إِلَى أَجَلٍ قَرِيبٍ قُلْ مَتَاعُ
الدُّنْيَا قَلِيلٌ وَالْآخِرَةُ خَيْرٌ لِمَنِ اتَّقَى وَلَا تُظْلَمُونَ
فَتِيلًا ﴿٧٧﴾ أَيْنَ مَا تَكُونُوا يَدْرِكَكُمُ الْمَوْتُ وَلَوْ كُنْتُمْ فِي بُرُوجٍ
مُسَيَّدَةٍ وَإِنْ تُصِبْهُمْ حَسَنَةٌ يَقُولُوا هَذِهِ مِنْ عِنْدِ اللَّهِ وَإِنْ
تُصِبْهُمْ سَيِّئَةٌ يَقُولُوا هَذِهِ مِنْ عِنْدِكَ قُلْ كُلُّ مِّنْ عِنْدِ اللَّهِ
فَمَالِ هَؤُلَاءِ الْقَوْمِ لَا يَكَادُونَ يَفْقَهُونَ حَدِيثًا ﴿٧٨﴾ مَا
أَصَابَكَ مِنْ حَسَنَةٍ فَمِنَ اللَّهِ وَمَا أَصَابَكَ مِنْ سَيِّئَةٍ فَمِنَ
نَفْسِكَ وَأَرْسَلْنَاكَ لِلنَّاسِ رَسُولًا وَكَفَى بِاللَّهِ شَهِيدًا ﴿٧٩﴾

Have you not seen those to whom it was said, "Hold your hands (from fighting) and be steadfast in Ṣalāh and pay Zakāh." However, when fighting is enjoined upon them, surprisingly, a group from them starts fearing people as one would fear Allah, or fearing even more. And they say, "Our Lord, why have you enjoined fighting upon us? Would you have not spared us for a little more time?" Say, "The enjoyment of the world is but a little, and the Hereafter is far better for the one who fears Allah. And you shall not be wronged even to the measure of a fibre. [77] Wherever you will be, Death will overtake you, even though you are in fortified castles." And if some good comes to them, they say, "This is from Allah." And if some evil visits them, they say, "This is from you." Say, "All is from Allah." So, what is wrong with these people, they do not seem to under-

stand a word? [78] Whatever good comes to you, it is from Allah and whatever evil visits you it comes from your own selves. And We have sent you to be a Messenger for the people. And Allah is enough to be a witness. [79]

Commentary

The Background of Revelation

Verse 77 beginning with the words: **أَلَمْ تَرَ إِلَى الَّذِينَ قِيلَ لَهُمْ كُفُّوا أَيْدِيَكُمْ** (Have you not seen those to whom it was said, "Hold your hands {from fighting}...) was revealed in a particular background. Before their migration from Makkah, Muslims were regularly persecuted by disbelievers. Harassed Muslims used to visit the Holy Prophet صلى الله عليه وسلم complaining to him about the high-handed treatment meted out to them and asking for his permission to fight back in self-defence and put an end to the Kāfir reign of terror. He advised patience holding them back from direct confrontation on the plea that he has not been commanded to fight, in fact, he told them, he has been commanded to stay patient, forgo and forgive. He also told them to continue observing the instructions of *ṣalāh* and *zakāh*, already given to them, consistently and devotedly. He impressed upon them the virtues of the present pattern of their behaviour, even though the odds were against them, for the simple reason that, unless man is conditioned to fight against his own evil desires in obedience to the command of Allah and is also used to bearing physical pain and financial sacrifice, he finds joining Jihād and sacrificing his life very difficult a proposition. This was an advice Muslims had accepted. But when they migrated from Makkah to Madīnah, and Jihād was enjoined upon them, they should have been pleased with it, as it was something that had answered their own prayers. But, there were some infirm Muslims around who started fearing the prospects of a fight against the disbelievers as one would fear the punishment of Allah, rather more than this. Caught in that peevish state of mind, they started pining for a little more respite, a possible postponement of the command to fight to some later day which may have given them more time to live and to enjoy. Thereupon, these verses were revealed. (Rūḥ al-Ma'ānī)

Why did the Muslims wish for the postponement of Jihād

The wish for respite expressed by Muslims following the command

to fight was not an objection to the command of Jihād. It was, rather, a benign and subtle complaint. The reason may lie in the usual pattern of human psyche in such situations. When hurt and harassed to the extreme, one is very likely to flare up and go for a revenge. But, once man is used to a life of physical comfort and peace, he does not feel like going out to fight. This is no more than a simple human reaction. So, these Muslims, while they were in Makkah, all fed up with pains inflicted on them by the disbelievers at that time, were naturally looking forward most eagerly for the command of Jihād to come. But, when they reached Madīnah, they found peace and comfort which they had missed for long. Now the command to fight, when it came in that state of theirs, found them no more moved by their old fire, therefore, they simply wished that it would have been better if the call for Jihād was just not there at that point of time. Now, to take this 'wish' as an 'objection' and to attribute an act of sin to those Muslims is not correct. However, this explanation is limited to the assumption that they had pronounced this complaint verbally. But, if they said nothing verbally, and it was simply a thought which crossed their mind, then, thoughts in the mind and doubts in the heart are happenings which the Shari'ah of Islam simply does not count as sins. Here, both probabilities exist. Then, the word, "*Qālū*" (They say) in the verse should not lead one to presume that they had said this verbally, for it may be taken to mean that they may have said it within their hearts. (abridged from Bayān al-Qur'ān by Maulānā Thānavī). According to some commentators, in which case, no explanation is called for. (Tafsīr Kabīr).

Self-correction should precede collective reform

In *اَقِمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ* (verse 77), Allah Almighty has first mentioned the command to establish the prescribed prayers and pay the fixed zakāh which are the medium of self-correction. The command of Jihād comes after that, which is the medium of political and collective correction, that is, through it the forces of coercion and injustice are eliminated as a result of which peace prevails in the country. From here we learn that, well before worrying about correcting others, one should start correcting himself. So, seen from the angle of a relative degree of importance, the first command is an absolute individual obligation (*farḍ al-ʿayn*) while the second is an obligation which, if performed by some, will absolve others (*farḍ al-kifāyah*). This highlights the impor-

tance of self-correction and makes its precedence obvious enough (Mazhari).

The difference between the blessings of the present world and those of the Hereafter

In this verse, the blessings of the Hereafter have been declared to be more bountiful and certainly better as compared with the blessings of the present world of our experience. Some reasons why this is so are given below:

1. The blessings of the present world are few, while the blessings of the Hereafter are many.
2. The blessings of *dunyā* (the present world) are perishable, while the blessings of *Ākhirah* (Hereafter) are eternal.
3. The blessings of *dunyā* are laced with all sorts of botherations, while the blessings of *Ākhirah* are free of such impurities.
4. The acquisition of the blessings of *dunyā* is not certain, while the blessings of *Ākhirah* will most certainly reach everyone who is God-fearing (*Muttaqī*: the observer of *Tāqwa*). (al-Tafsīr al-Kabīr)

وَلَا خَيْرَ فِي الدُّنْيَا لِمَن لَّمْ يَكُنْ لَهُ مِنَ اللَّهِ فِي دَارِ الْقَامِ نَصِيبٌ
فَإِنْ تَعَجِبِ الدُّنْيَا رَجَالًا فَإِنَّهَا مَتَاعٌ قَلِيلٌ وَالزَّوَالُ قَرِيبٌ

There is no gain in *dunyā* for the one who has no share in the eternal abode from Allah. Still, if *dunyā* does attract some people, then (beware) it is a short-lived enjoyment and its decline is near (that is, once eyes close in death, the *Ākhirah* is there to see).

There is no escape from death:

In *أَيْنَ مَا كُنْتُمْ أَمْرٌ يُكْرَمُ الْمَوْتُ* (verse 78) (Wherever you will be death will overtake you), Allah Almighty removes any doubts the deserters from Jihād may entertain. They think that, perhaps by dodging Jihād, they can also dodge death. Therefore, it was said that there will be a day of death, a day when it must come, no matter where you are; it will come exactly where you are. When this is settled, there is no sense in backing out from Jihād.

Ḥafīz Ibn Kathīr, the famous commentator, while discussing this verse, has reported a lesson-filled event on the authority of Mujāhid as narrated by Ibn Jarīr and Ibn Abī Ḥatīm. He recounts the event

concerning a woman from an earlier community. Soon after her pregnancy matured, she gave birth to a child and sent her servant out to fetch some fire. As soon as the servant stepped out of the door of the house, he saw a man appear suddenly before him. He asked: 'What baby this woman has given birth to?' The servant told him that it was a baby girl. Thereupon, the man said: 'You must remember that this girl will sleep with a hundred men and will finally die through a spider.' Hearing this, the servant returned immediately with a knife and slit the abdomen of that girl open. Taking her to be dead, he ran away from the house. But, a little later, the mother of the girl stitched up the skin of the abdomen slit by the servant. Then came the day when this girl grew to be young and beautiful, so beautiful that she was considered to be the jewel of the city.

As for the servant, he escaped overseas where he stayed for a long time and, in the meantime, assembled a fortune for himself. When he planned to get married, he returned to his old city. There he met an old woman. He told her that he was looking for a bride, but that he was eager to marry the most beautiful woman in town. The old woman told him about a certain girl whose beauty was unmatched in the whole city and insisted that he should marry her. The servant, now a rich man, made efforts and finally got married to that girl. While getting to know each other, the girl asked him as to who he was and where did he live. He told her: 'Actually, I belong to this very city, but I had to run away because I had slit the abdomen of a girl open.' Then he narrated the whole event. Hearing this, she said: 'I am that girl.' She showed him her abdomen. The cut mark was still there. Seeing this, the man said: 'If you are the same woman, I disclose two things about you. The first one is that you will sleep with a hundred men.' Thereupon, the woman confessed that she has done that, but she could not remember the number. The man said: 'The number is hundred. And the second one is that you will die through a spider.'

The man who was now rich had a grand palace built for her which was absolutely free of any spider webs. On a certain day, while they were resting in their room in the palace, they noticed a spider on the wall. The woman said: 'Is this the spider you scare me of?' The man said: 'Yes.' Thereupon, she sprang up from the bed saying: 'Then, this

one I am going to kill right now.' Having said that, she downed the spider on the floor and trampled her dead under her feet.

The spider died all right but the poison from her infected her feet and nails and the message of death became all too clear for her. (Ibn Kathīr)

Here was a woman living in a palace, new and very clean, but she died through a spider all of a sudden. Compare her case with many others who spent a life-time in fighting battles yet death did not come to them there. Think of Sayyidnā Khālīd ibn Walīd رضى الله عنه, the famous soldier and general of Islam known by his oft-repeated title, *Saifullāh* - the Sword of Allah. He had a burning desire to die as martyr in the way of Allah. So, he kept fighting all his life, engaging in one Jihād after another and longing to become a Shahīd. He killed thousands of disbelievers on the battlefields, living dangerously and daringly against many a trial, always praying and pleading that he be saved from the fate of dying in bed like women and praying and pledging that Allah favour him with the death of a fearless soldier in the heat of some Jihād. But, as decreed by Allah, he finally died nowhere else but on his own bed in the house.

The lesson is that the arrangement of life and death stays in the hands of our creator whose decisions are final. There is nothing we can do about it. It is He who can, if He wills, give us death on a luxury bed at the hands of a spider; or, if He elects to save us, he can keep us alive amid swinging swords or zooming fires.

Building secure houses is not against *Tawakkul*

Let us now consider: وَلَوْ كُنْتُمْ فِي بُرُوجٍ مُّشَيَّدَةٍ in verse 78. It says: 'Wherever you will be Death will overtake you, even though you are in fortified castles.' This tells us that building a good and strong house to live with ensured security of person and things is not contrary to the dictates of *tawakkul* or trust in Allah and that it is not against the rules of Shari'ah either. (Qurtubī)

A Blessing comes only by the grace of Allah

In مَا أَصَابَكَ مِنْ حَسَنَةٍ فَمِنَ اللَّهِ (verse 79), translated as: 'whatever good comes to you is from Allah,' the word, '*hasanatin*' means 'blessing' (Mazharī). The verse points out to the fact that any blessing which

reaches man, any good that comes to him, does not get to him as a matter of his right. This is, on the contrary, nothing but the grace of Allah Almighty, His '*fadl*', in common Islamic terminology. No matter how much, he devotes to the many acts of worship he is obligated with, man cannot claim to deserve that blessing on the basis of his deeds alone. The reason is simple, because the very ability to engage in acts of worship comes from none but Allah Himself, which is known as the *Taufīq* of Allah. Then the blessings of Allah are countless, how could they be 'procured' by limited acts of worship and other expressions of obedience to His commands? Specially so, when whatever we do in the name of the worship of Allah is hardly worthy of the supreme mastery and power of our Lord, the Lord of the universe of our experience and the Lord of universes beyond? This point has been made more succinctly in a *ḥadīth*, where the Holy Prophet ﷺ has been reported to have said:

ما احد يدخل الجنة الا برحمة الله، قيل: ولا أنت؟ قال: ولا أنا

'No one shall enter Paradise unless it be with the mercy of Allah.' The narrator asked: 'Not you either?' He said, 'Yes. Not me either.'

Calamities are the result of misdeeds

In وَمَا أَصَابَكُمْ مِنْ مُصِيبَةٍ فَبِمَا كَفَرْتُمْ أَنْفُسَكُمْ (verse 79), translated as: 'and whatever evil visits you, it comes from your own selves,' the word, '*sayyi'atun*' means: '*muṣībah*', evil, hardship, (misfortune, calamity, disaster) according to Maḥzarī.

Although, calamities are created by Allah, yet their cause lies nowhere else but in the very misdeeds of man himself. Now if this man is a disbeliever, a *kāfir*, the evil that hits him in this mortal world is only an ordinary sample of the ultimate punishment, the punishment of the world-to-come, which is much much more than the worldly punishment. And if this man is a believer, a *mu'min*, all his misfortunes become an expiation (*kaffārah*) of his sins in that case, and thereby become the very cause of his salvation in the Hereafter. Thus, the Holy Prophet صلى الله عليه وسلم said in a *ḥadīth*:

ما من مصيبة تصيب المسلم الا كفر الله بها عنه حتى الشوكة يشاكها

"No evil ever touches a Muslim, but it becomes a source of

forgiveness for him - even the pinch of a thorn in his feet."
(Mazharī from Tirmidhī)

In another ḥadīth, reported by Abū Mūsā رضى الله عنه, he said:

عن أبى موسى أن رسول الله صلى الله عليه وسلم قال لا تصيب عبدا
نكبة فما فوقها وما دونها الا بذنب وما يغفر اكثر

"No hardship befalls a servant of Allah, be it light or tough, but it is always due to his sin - and the sins Allah forgives (without afflicting with a calamity) are much more." (Mazharī, from Tirmidhī)

The Prophet of Islam: His Prophethood is Universal

The words: وَأَرْسَلْنَاكَ لِلنَّاسِ رَسُولًا (And We have sent you to be a Messenger for the people) appearing at the end of verse 79 prove that the Holy Prophet صلى الله عليه وسلم has been sent as a Messenger of Allah (*Rasūl*) for all peoples of the world. He was not simply a Messenger for Arabs alone.

In fact, his prophethood is universal, open to all human beings of this entire universe, whether they are present at this point of time, or may come to be there right through the *Qiyamah*, the fateful Last Day of this universe of ours. (Mazharī)

Verse 80

مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ وَمَنْ تَوَلَّى فَمَا أَرْسَلْنَاكَ
عَلَيْهِمْ حَفِظًا ﴿٨٠﴾

Whoever obeys the Messenger obeys Allah and whoever turns away, then, We did not send you to stand guard over them. [80]

Previous to this, there was the affirmation of prophethood. Now comes the statement which establishes the right of prophethood - it calls for compulsory obedience. In case hostile people refuse to obey, there are words of comfort for the noble Prophet of Islam who has been absolved of any responsibility for their lack of obedience.

The opening statement in the verse presents a very important principle bearing on the authority of the blessed *Rasūl* of Allah. Here, the obedience to the Prophet has been equated with obedience to

Allah. From this it follows that whoever disobeys the Prophet, invariably disobeys the command of Allah. Since, obedience to Allah is obligatory, even rationally - so, obedience to the Prophet also turns out to be equally obligatory. As for the person who, in spite of the truth being all too manifest, elects to turn his back and reject the message given by the Prophet, then, the Prophet has been asked not to worry about the callous behaviour of such people because Allah has not sent His Prophet to stand guard over their behaviour for which he is not responsible. It means that the Prophet of Allah is not duty-bound to see that they do not indulge in disbelief. He is simply not charged with the mission of stopping them from disbelieving. His mission is to deliver the Message. Once this is done, his duty as a Prophet stands fulfilled. After that, if they still go about disbelieving, it is their business for which he is in no way accountable. (Maulānā Ashraf 'Alī Thānavī, Bayān al-Qur'ān)

Verses 81 - 82

وَيَقُولُونَ طَاعَةٌ فَإِذَا بَرَزُوا مِنْ عِنْدِكَ بَيَّتَ طَائِفَةٌ مِنْهُمْ غَيْرَ
الَّذِي يَقُولُ وَاللَّهُ يَكْتُبُ مَا يُبَيِّتُونَ فَأَعْرِضْ عَنْهُمْ وَتَوَكَّلْ
عَلَى اللَّهِ وَكَفَى بِاللَّهِ وَكِيلًا ﴿٨١﴾ أَفَلَا يَتَذَكَّرُونَ الْقُرْآنَ وَلَوْ
كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلَافًا كَثِيرًا ﴿٨٢﴾

And they say, "Obedience (we observe)." But when they go away from you, a group of them conspires at night contrary to what they say. And Allah records what they conspire. So ignore them and put your trust in Allah. And Allah is enough to trust in. [81]

Do they not, then, ponder in the Qur'ān? Had it been from someone other than Allah, they would have found in it a great deal of contradiction. [82]

That obedience to the Holy Prophet صلى الله عليه وسلم is obligatory was the subject of verse 80. Here, the Prophet was comforted in case the disbelievers rejected his message. Now comes a mention of some hypocrites who used to wriggle out of this obligation.

Commentary

The first verse (81) which begins with the words: وَيَقُولُونَ طَاعَةٌ فَإِذَا بَرَزُوا مِنْ

عِنْدَكَ بَيِّنَاتٌ مِّنْهُمْ غَيْرَ الَّذِي تَقُولُ (And they say, "Obedience (we observe)..." condemns those who practice a policy of double-dealing. They will say something verbally and have something else hidden in their hearts. Once this is established, what should be the attitude of the Messenger of Allah towards such a set of people? The latter part of the verse carries a special instruction about it.

An important instruction for a leader

The verse: فَأَعْرِضْ عَنْهُمْ وَتَوَكَّلْ عَلَى اللَّهِ وَكَفَىٰ بِاللَّهِ وَكِيلًا refers to the hypocrites who, when they came face to face with the Holy Prophet صلى الله عليه وسلم, said that they were quite obedient to him and had accepted what he had commanded them with. But, when they left his company, they got together and conspired as to how they could disobey him. This duplicity of theirs caused great pain to him. Thereupon, Allah Almighty instructed him to ignore them and continue with his mission placing his trust in Allah because Allah is all-sufficient for him.

From here we know that one who leads people has to go through all sorts of hardships. People tend to level absurd allegations against him. Then, there are enemies in the garb of friendship and trust around him. Despite the presence of all such obstacles, this leader must display determination and steadfastness and devote to his mission with full trust in Allah. If his objective and orientation is right, he will, *Inshallah*, succeed.

Deliberation in the Qur'an

Verse 82 begins with: أَفَلَا يَتَدَبَّرُونَ الْقُرْآنَ (Do they not, then, ponder in the Qur'an?) Through this verse, Allah Almighty invites people to deliberate in the Qur'an. Noteworthy here are a few points. First of all, the words used are: أَفَلَا يَتَدَبَّرُونَ (Do they not, then, ponder ...) and not أَفَلَا يَقْرَأُونَ (Do they not, then, recite.) Obviously, there is a delicate hint being given through this verse which is suggesting that if they were to look at the Qur'an deeply, they would find no discrepancy in its words and meanings. This sense can come only through the use of the word, '*tadabbur*' which means to ponder or deliberate. A plain recitation which is devoid of deliberation and deep thinking may lead one to start seeing contradictions which really do not exist there.

The second point which emerges from this verse is that the Qur'an

itself demands that every human being should ponder over its meanings. Therefore, to suppose that pondering in the Qur'ān is the exclusive domain of its highest and the ablest exponents (the Imāms and Mujtahids) is not correct. However, it is also true that the levels of deliberation will be different in terms of the different levels of knowledge and understanding. The deliberation of the great exponents will deduce the solution of thousands of problems from every single verse, while the deliberation of a common scholar will reach only as far as the very comprehension of such problems and their solutions. When common people recite the Qur'ān and deliberate in its meanings through the medium of its translation and explanation in their own language, this will impress upon their hearts the greatness of Allah Almighty, develop love for Him and implant there a concern for the life-to-come, the *Ākhirah*. This is the master key to success. However, in order that common people stay safe from falling into doubts and misunderstandings, it is better that they should study the Qur'ān, lesson by lesson, under the guidance of an *'ālim*. If this cannot be done, take to the study of some authentic and reliable *tafsīr* (commentary, exegesis). Should some doubt arise during the course of such study, the wiser course is not to go for a solution on the basis of personal opinion, instead of which, one should consult expert scholars.

No group or individual holds monopoly on the exegesis and explication of Qur'ān and Sunnah, but there are conditions for it

The verse under reference tells us that everyone has the right to ponder in the Qur'ān. But, as we have said earlier, the levels of '*tadabbur*' (deliberation) are different. Each one is governed by a separate rule. Let us take the serious deliberation of a great exponent, the '*tadabbur*' of a master *mujtahid*. Through this methodology, solutions to problems are deduced from the Holy Qur'ān at the highest level. For this purpose, it is necessary that one who is pondering in the Qur'ān, should first acquaint himself with the basic rules employed in such deduction in order that the results he achieves are correct and sound. In case, he fails to arm himself with the basic postulates to begin with, or in case, his education and training in this discipline remain faulty; and in case, he does not ultimately possess the qualifications and conditions that must be found in a *mujtahid* exponent,

then, it is obvious that he would come up with the wrong set of results. Now, this is a situation in which better-equipped scholars may challenge and contradict them, something they would be doing rightfully.

Think of a person who has never even walked the corridors of a medical college, yet he starts objecting as to why only trained doctors have been allowed to hold a monopoly of all medical treatment in the country, and why is it that he as a human being has not been allowed to exercise the right of treating patients?

Or, there may be a person who gags his reason and starts challenging as to why all contracts to build canals, bridges and dams are given to expert engineers only? Since, he is a citizen of the country, therefore, he too is fully deserving of discharging this service!

Or, there may be that person, devoid of reason who stands up raising an objection as to why legal experts alone have been allowed to hold monopoly over the interpretation and application of the law of the land, while he too, being sane and adult, can do the same job? Obviously, to that person, it would be said that, no doubt he has a right to do all such things as a citizen of the country, but it is also true that one has to undergo the difficult stages of education, training and experience for years and years together in order to imbibe the ability to accomplish such tasks. This is not what one can do all by himself. One has to assimilate an enormous body of arts and sciences under expert teachers on his way to established degrees and subsequent recognition in the field. If this person is ready to first go through this grind, and come out successful therefrom, then, he too could certainly become an arm of law in these fields.

But, when this analogy is applied to the interpretation and application of Qur'ān and Sunnah, a highly intricate and very delicate job indeed, we come across a barrage of taunts and accusations that the *'ulama* (religious scholars) hold a monopoly over the job! Is it that the interpretation and application of Qur'ān and Sunnah requires no ability, no qualification? Are we saying that, in this wide world of ours, the knowledge of the Qur'ān and Sunnah alone has come to be so orphaned, so heirless that everyone can start getting away with his own interpretation and application as a matter of right, even though the claimant has not spent even a few months devoted to learning the

great discipline of Qur'an and Sunnah? This is terrible.

The proof of Qiyās

It is from this verse that we also come to know an important rule, that is, when we do not find an explicit statement in the Qur'an and Sunnah about a certain problem, we should make the best of efforts to find a solution by a serious deliberation within these. This method is technically known as Qiyās or analogical deduction (Qurtubī).

"A great deal of contradiction"

The last sentence of verse 82: وَلَوْ كَانَ مِنْ عِنْدِ اللَّهِ لَوُجِدُوا فِيهِ آخِلًا كَثِيرًا translated as 'Had it been from someone other than Allah, they would have found in it a great deal of contradiction' needs some explanation. Here, 'a great deal of contradiction' means: Had there been a contradiction in one subject, the contradiction in many subjects would obviously have become a great deal of contradiction (Bayān al-Qur'an). But, the truth of the matter is that there is just no contradiction anywhere in the Qur'an. So, this is the word of Allah Almighty. This perfect uniformity cannot be found in the word of man. Then there is its unmatched eloquence which never tapers. It talks about the Oneness of Allah and the disbelief of men and lays down rules for the lawful and the unlawful, yet there is no inconsistency, no discrepancy in the process. It offers information about the unseen but there is not one bit of information which does not match with reality. Then there is the very order of the Qur'an which retains the quality of its diction all along, never ever touching a pitch which is low. The speech or writing of man is affected by circumstances. It varies with peace and distraction and happiness and sorrow. But, Qur'an is free of all sorts of incongruities and contradictions - actually, it is beyond any such thing. And this is a clear proof of its being the word of God.

Verse 83

وَإِذَا جَاءَهُمْ أَمْرٌ مِّنَ الْأَمْنِ أَوْ الْخَوْفِ أَذَاعُوا بِهِ وَلَوْ رَدُّوهُ
إِلَى الرَّسُولِ وَإِلَى أُولَى الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ
يَسْتَنْبِطُونَهُ مِنْهُمْ وَلَوْلَا فَضْلُ اللَّهِ عَلَيْكُمْ وَرَحْمَتُهُ لَاتَّبَعْتُمُ
الشَّيْطَانَ إِلَّا قَلِيلًا ﴿٨٣﴾

And when there comes to them a matter about peace or fear, they spread it. Had they referred it to the Messenger and to those in authority among them, those of them who were to investigate it would have certainly known it (the truth of the matter). But for Allah's grace upon you, and mercy, you would have followed the Satan, save a few. [83]

Commentary

The Background of Revelation

According to Sayyidnā Ibn 'Abbās, Dahhāk and Abū Mu'adh رضى الله عنهم, the verse: وَإِذَا جَاءَهُمْ أَمْرٌ مِّنَ الْأَمْنِ أَوْ الْخَوْفِ أَذَاعُوا بِهِ (And when there comes to them a matter about peace or fear, they spread it) was revealed about the hypocrites; and, according to Sayyidnā Hasan and many others, this verse was revealed about weak Muslims (Rūḥ al-Ma'ānī).

After having reported events relating to this verse, the famous commentator, Ibn Kathīr has stressed on the importance of referring to the ḥadīth of Sayyidnā 'Umar ibn al-Khaṭṭāb رضى الله عنه while considering the background in which this verse was revealed. According to this, when Sayyidnā 'Umar رضى الله عنه heard that the Holy Prophet ﷺ has divorced his wives, he left his house heading for the Masjid. While still at its door steps, he heard that people inside there were also talking about the matter. Seeing this, he said that this was something which must first be investigated. So, he went to the Holy Prophet ﷺ and asked him if he had divorced his wives. He said, "No." Sayyidnā 'Umar says, "After having found out the truth of the matter, I returned to the Masjid and, standing on the door, I made an announcement that the Holy Prophet صلى الله عليه وسلم has not divorced his wives. Whatever you are saying is wrong." Thereupon, the verse: وَإِذَا جَاءَهُمْ أَمْرٌ was revealed (Tafsīr Ibn Kathīr).

To spread rumours, without verification

This verse tells us that hearsay should not be repeated without prior investigation into its credibility. Thus, in a ḥadīth, the Holy Prophet ﷺ said: كَفَى بِالْمَرْءِ كَذِبًا أَنْ يَحْدُثَ بِكُلِّ مَسْمَعٍ. It means that 'for a man to be a liar, it is enough that he repeats everything he hears without first verifying its truth'. In another ḥadīth, he said: مَنْ حَدَّثَ بِحَدِيثٍ وَهُوَ يَرَى أَنَّهُ كَذِبٌ فَهُوَ أَحَدُ الْكَاذِبِينَ. It means: 'Whoever relates something he thinks is a lie, then, he too is one of the two liars (Tafsīr Ibn Kathīr).

Who are "those in authority"?

Let us now determine the meaning of two expressions appearing in the sentence: وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَى أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَ الَّذِينَ يُسْتَبْطِنُونَ مِنْهُمْ which has been translated as: 'and had they referred it to the Messenger and to those in authority among them, those of them who were to investigate it would have certainly known it (the truth of the matter).' Literally, the later word, "*istinbāt*" here refers to the act of drawing out water from the depth of a well. When a well is dug, the water that oozes out first is called *mustambat* water. But, the usage in this context means to get to the bottom of something and find out the truth of the matter. (Qurtubī)

As for the correct signification of the expression: *أولو الأمر* (those in authority), positions taken by scholars vary. Sayyidnā Ḥasan, Qatādah and Ibn Abī Lailā, may Allah have mercy on them, say that this refers to Muslim scholars and jurists (علماء و فقهاء). Al-Suddī says that it means rulers and officials (أمراء و حكام). After reporting both these statements, Abū Bakr al-Jaṣṣāṣ takes a general view and maintains that the expression means both, which is the correct approach, because *أُولَى الْأَمْرِ* applies to all of them. However, some scholars doubt the possibility that *أُولَى الْأَمْرِ* could refer to Muslim jurists (فقهاء) because *أُولَى الْأَمْرِ*, in its literal sense, means people whose orders are carried out administratively. Obviously, this is not what the Muslim jurists (فقهاء) do. Let us look at the reality of the thing. The implementation of authority takes two forms. Firstly, it can be done by using force, coercion and oppression. This is something which can only be done by those in authority. The second form of obedience to authority comes from reliance and trust, and that stands reposed in revered Muslim jurists (فقهاء) only, a demonstration of which has been all too visible in the lives of Muslims in general in all ages where the general body of Muslims have been, by their own free will and choice, taking the decision and authority of religious scholars (علماء) as the mandatory mode of action in all matters of religion. Then, according to the percepts of the Shari'ah, obedience to rules set by them is obligatory (*wājib*) on them as such. So, given this reason, the application of the term *أُولَى الْأَمْرِ* (those in authority) to them as well is correct. (al-Ahkām al-Qur'ān by al-Jaṣṣāṣ)

Details on this subject have already appeared under the commen-

tary on verse: **أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأَطِيعُوا أُولِي الْأَمْرِ مِنْكُمْ** (Say, "Obey Allah and obey the Messenger and those in authority among you - 4:59).

Qiyās and Ijtihād in modern problems

From this verse, we find out that rulings on problems not specifically mentioned in the authoritative texts (technically, *naṣṣ*) of the Holy Qur'ān or Sunnah will be deduced in the light of the Qur'ān using the principle of Ijtihād and Qiyās because this verse carries the command to turn to the Holy Prophet صلى الله عليه وسلم for the resolution of any new problems - if he is present at that time. And if he is not present, the command is to turn to religious scholars and jurists of the Muslim community (علماء وفقهاء), because they have the required ability to extract and formulate religious injunctions from the authoritative texts of the Qur'ān and Ḥadīth.

Points of guidance which emerge from the statement made above are:

1. In the absence of *naṣṣ*, explicit textual authority from the Qur'ān and Ḥadīth, the course of action is to turn to Fuqahā, and 'Ulamā' (Muslim jurists and scholars).

2. The injunctions given by Allah are of two kinds. Some of them are there in the form of explicit textual imperatives (*manṣūṣ* and *ṣariḥ*). Then, there are some others which are not explicit and carry meanings which are hidden in the depths of the verses as willed by Allah in his infinite wisdom.

3. It is the duty of the 'Ulamā' (religious scholars) to extract and formulate such meanings through the established methodology of Ijtihād and Qiyās.

4. For the great masses of Muslims, it is necessary that they should follow the guidance given by the 'Ulamā' in such problems. (Aḥkām al-Qur'ān by al-Jaṣṣaṣ)

The Prophetic function of deducing injunctions

The statement: **لَعَلَّهُمُ الَّذِينَ يَسْتَضِطُّونَهُ مِنْهُمْ** : 'those of them who were to investigate it would have certainly known it (the truth of the matter),' shows that the Holy Prophet صلى الله عليه وسلم too was obligated to the percept of extracting, formulating and reasoning out with proofs all injunctions that needed to be so handled. This is so because earlier in

the verse the command was to turn towards two sources. Firstly, it was to the Holy Prophet ﷺ and secondly, to those in authority (أُولِي الْأَمْرِ). After that it was said: لَعَلَّهُ الَّذِينَ يَسْتَنْبِطُونَهُ (those of them who were to investigate it would have certainly known it.) And this injunction is general which covers both of the two parties cited above. So, it proves that the Holy Prophet صلى الله عليه وسلم was also obligated with the function of deducing injunctions. (Aḥkām al-Qur'ān by al-Jaṣṣaṣ)

An important note

If this verse makes someone suspect or assume that it has no relation with deducing injunctions of Shari'ah, it does not say anymore than give an instruction to people that they should not indulge in rumour-mongering in situations of peace and fear when faced with an enemy, instead of which, one should turn to the knowledgeable and trustworthy and act in accordance with the advice they give after due deliberation and that it has no connection with juristic or new legal problems.

In order to answer this doubt, it can be said that the sentence: وَإِذَا جَاءَهُمْ أَمْرٌ مِنَ الْأَمْنِ أَوِ الْخَوْفِ (And when there comes to them a matter about peace or fear) in this verse makes no mention of an enemy. So, the state of peace and fear is universal. The way it relates to an enemy, so it does with day to day problems as well. This is so because the appearance of a problem before a commoner, a problem about which no textual authority relating to its being lawful or unlawful exists, throws him into a fix and he cannot decide which side to take as both sides hold the probability of gain and loss. The smartest way out devised by the Shari'ah of Islam in this impasse is that one should turn to those capable of extracting and formulating injunctions and act in accordance with the via media laid out by them. (Abridged from Aḥkām al-Qur'ān by al-Jaṣṣaṣ)

The outcome of Ijtihād

The legal ruling extracted by Muslim jurists (نفها) from the texts through Istibāt (and Ijtihād) cannot categorically be declared as being the absolute truth in the sight of Allah. Instead of that, the probability always exists that this ruling might as well turn out to be not true. But, of course, what one gains out of it is positive, overwhelming and weightier opinion about its being true and correct, something which is

good enough to act upon. (al-Aḥkām al-Qur'ān by al-Jaṣṣāṣ and Tafsīr Kabīr)

Verse 84

فَقَاتِلْ فِي سَبِيلِ اللَّهِ لَا تُكَلَّفُ إِلَّا نَفْسَكَ وَحَرِّضِ الْمُؤْمِنِينَ
عَسَى اللَّهُ أَنْ يَكُفَّ بَأْسَ الَّذِينَ كَفَرُوا وَاللَّهُ أَشَدُّ بَأْسًا
وَأَشَدُّ تَنْكِيلًا ﴿٨٤﴾

So, fight in the way of Allah. You are not responsible but for yourself. And persuade the believers. It is likely that Allah will prevent the mischief of those who disbelieve. And Allah is the strongest in war and the mightiest in punishing. [84]

Commentary

The Background of Revelation

When the battle of Uhūd came to pass in the month of Shawwāl, the Holy Prophet صلى الله عليه وسلم, in keeping with the promised date set by the disbelievers, started preparations to confront them at Badr in the month of Dhi-Qa'dah (historians identify which as the minor Badr). At that time, some people betrayed a little hesitation in going along because of having been recently wounded, while some others did so because of rumours. Thereupon, Allah Almighty revealed this verse where guidance has been given to the Holy Prophet صلى الله عليه وسلم that he should ignore the infirm and the scared among Muslims and show no hesitation in marching on to Jihād even if it has to be all alone, for Allah is his helper. With this guidance on hand, he went ahead to Badr Minor with seventy Companions as promised to Abū Sufyān after the battle of Uhūd. There it so happened that Allah Almighty put awe and fear in the hearts of Abū Sufyān and his disbelieving accomplices from the tribe of Quraysh. Not one of them showed up for the fight as a result of which they turned out to be false in their solemn promise. Thus, as the text says, Allah Almighty prevented the mischief of the disbelievers and the Holy Prophet صلى الله عليه وسلم returned back with his companions safely (Qurtubī & Mazharī).

The Eloquent style of Qur'ānic Injunctions

The verse begins with the command to the Holy Prophet ﷺ : 'So, fight in the way of Allah'. This direction is addressed to the Holy

Prophet صلى الله عليه وسلم which implies that he should fight alone - irrespective of whether anyone is ready to go with him. But, in the second sentence following immediately, it was also said that he should not shelve or surrender the mission of inducing other Muslims to join in the Jihād. However, if they remain unresponsive even after the effort of persuasion, the mission of the prophet has been accomplished who, from that point onwards, will not be responsible for what they do.

In addition to this, the possible danger in having to fight alone has been removed by saying: 'It is likely that Allah will prevent the mischief of those who disbelieve': May be He puts awe in their hearts and they stand subdued and he succeeds all alone. How could such success become possible? The proof follows immediately when it is declared that he is being helped and supported by Allah Almighty whose strength and might at war far exceeds those of such disbelievers, therefore, it is certain that success has got to be his. After that, coupled with this statement about the Divine strength in war, the text relates how Allah is the mightiest in punishing. This punishment may be on the Day of Judgement as obvious, or may come right here in this mortal world as stated by some commentators. Whichever the case, 'Allah is the strongest in war and the mightiest in punishing.'

Verses 85 - 87

مَنْ يَشْفَعْ شَفَاعَةً حَسَنَةً يَكُنْ لَهُ نَصِيبٌ مِنْهَا وَمَنْ يَشْفَعْ شَفَاعَةً سَيِّئَةً يَكُنْ لَهُ كِفْلٌ مِنْهَا وَكَانَ اللَّهُ عَلَى كُلِّ شَيْءٍ مُقِيتًا ﴿٨٥﴾ وَإِذَا حُيِّيتُمْ بِتَحِيَّةٍ فَحَيُّوا بِأَحْسَنَ مِنْهَا أَوْ رُدُّوهَا إِنَّ اللَّهَ كَانَ عَلَى كُلِّ شَيْءٍ حَسِيبًا ﴿٨٦﴾ اللَّهُ لَا إِلَهَ إِلَّا هُوَ لِيَجْمَعَ بَيْنَكُمْ إِلَى يَوْمِ الْقِيَمَةِ لَا رَيْبَ فِيهِ وَمَنْ أَصْدَقُ مِنَ اللَّهِ حَدِيثًا ﴿٨٧﴾

And whoever makes a good recommendation, there shall be for him a share from it (in the Hereafter). And whoever makes a bad recommendation, there shall be for him a share from it. And Allah is powerful over everything. [85]

And when you are greeted with a salutation, greet with

one better than it, or return the same. Surely, Allah is the reckoner over everything. [86]

Allah: There is no god but He. He shall, certainly, gather you towards the Day of Doom. There is no doubt about it. And who is more true, than Allah, in his word?

[87]

Commentary

The Reality of Recommendation and its rules and kinds

Verse 85 beginning with **مَنْ تَشَاعَ حَسَنَةً** points out to the act of **شَفَاعَة** 'shafā'ah' (recommendation) under two heads, the good and the bad, a division which helps clarify its nature. The added message here is that no recommendation is universally good or bad. What has to be realized is that one who makes a good recommendation shall have a share in the reward it brings and whoever makes a bad recommendation shall have a share in the punishment it brings. It will be noted that the word **نَصِيبٌ** : 'nasībun' (share) has been used with **شَفَاعَةُ حَسَنَةٍ** : 'shafā'atan hasanatan' (good recommendation) while the word **كِفْلٌ** : 'kiflun' (share) has been used with **شَفَاعَةُ سَيِّئَةٍ** : 'shafā'atan sayyi'atan' (bad recommendation). Lexically, both words carry the same meaning, that is, a share of something. But, in common usage, 'nasīb' refers to a good share while the word 'kifl' is, more than often, used to identify a bad share, although there are occasions when 'kifl' is also used for a good share as well, like **"كُفْلَيْنِ مِنْ رَحْمَتِهِ"** (two shares from His mercy) in the Holy Qur'an.

The literal meaning of 'shafā'ah' is to meet, to join; or, cause to meet or join. This is why the word 'shaf' means an even number, a pair or couple in Arabic, the antonym of which is referred to as 'witr' or odd. So, speaking literally, 'shafā'ah' means the coupling of one's strength with that of a weak seeker of justice and thus making it stronger in appeal. Or, in other words, joining in with some helpless solitary person and thus giving him the strength of a pair.

From here we find out that for recommendation to be fair and permissible the condition is that the claim of the person being recommended be true and permissible. Then, in the second place, it may be that a person cannot carry his claim all by himself to those in authority because of his weakness or lack of resource, something which you may do for him. Thus, we can clearly see that making a

recommendation for what is not true and rightful, or forcibly influencing others to accept it, is included under bad recommendation. Consequently, we also know that pressure or authority exerted through the channels of one's connections and influence is also not permissible because it is an act of injustice. Therefore, this too will be counted as 'bad recommendation'.

To sum up the meaning of the verse, it can be said that one who makes a recommendation following the permissible way for someone's permissible claim or job, will have a share in its reward. Similarly, one who makes a recommendation for something impermissible or uses an impermissible method to do so, will have a share in its punishment.

Having a share means that, should the person to whom the recommendation has been made do the needful for the one oppressed or deprived, the person making the recommendation will be rewarded very much like the official who has listened to the recommendation and removed the injustice or deprivation cited therein. Similarly, one who makes a recommendation for something impermissible will obviously become a sinner - we already know that the reward or punishment of the maker of a recommendation does not depend on his recommendation becoming effective and fruitful; he will get his share in any case.

The Holy Prophet صلى الله عليه وسلم has said: **اَللّٰهُ عَلٰى الْخَيْرِ كَفّٰعِلِهٖ** that is, a person who brings someone around to do a good deed gets a reward similar to that received by the doer of the good deed. In another ḥadīth from Sayyidnā Abū Hurairah رضى الله عنه appearing in Ibn Mājah, the Holy Prophet صلى الله عليه وسلم has been reported to have said:

من اعان على قتل مؤمن بشطر كلمة لقي الله مكتوب بين عينيه "انس
من رحمة الله".

Whoever helps in the killing of a Muslim even by part of a word will face Allah with a sign written (on his forehead) in between his eyes: (This man is) "deprived from the mercy of Allah".

From here we find out that prompting someone to do a good deed is a good deed in its own right and carries an identical reward for having done it and, by the same token, prompting someone to do an evil deed

or to indulge in an act of sin is also a sin of equal gravity.

Towards the end of verse 85, it was said: **وَكَانَ اللَّهُ عَلَى كُلِّ شَيْءٍ مُّقْتَدِرًا** which has been translated as: 'And Allah is powerful over everything'. Lexically, the word, **مُقْتَدِرًا**: '*muqit'*' means powerful as well as the observer and the dispenser of sustenance. All these three meanings can be deduced from this statement. In the first sense, the meaning would be that Allah is powerful over everything. For Him the rewarding and punishing of the one who makes a recommendation and the one who executes it is not difficult. Taken in the second sense, the meaning would be that Allah is ever-present observing everything. He knows best who is making a recommendation with what intention, such as, is it being done sincerely to help out some brother-in-faith just for the sake of Allah and His pleasure, or the purpose is to make him a target of self-interest and get some advantage out of him as a bribe. Taken in the third sense, the meaning would be that Allah Almighty is Himself responsible for the dispensation of sustenance; whatever He has written for someone has got to reach him. A recommendation by someone is not going to leave Him choiceless. In fact, He will bestow on whomsoever He wills as much of sustenance as He wills. However, the maker of a good recommendation gets a reward for free because he has extended a helping hand to the helpless.

The Holy Prophet صلى الله عليه وسلم has said:

كَانَ اللَّهُ فِي عَوْنِ عَبْدِهِ مَا دَامَ فِي عَوْنِ أَخِيهِ

Allah keeps helping His servant as long as he keeps helping his brother.

It is on this basis that the Holy Prophet صلى الله عليه وسلم has said as reported in a ḥadīth of Ṣaḥīḥ al-Bukhārī:

اَشْفَعُوا فَلَتُجْرُوا وَيُقْضَىٰ إِلَٰهُ عَلَىٰ لِسَانِ نَبِيِّهِ مَا شَاءَ

Recommend and be rewarded and then be pleased with whatever Allah decides through His prophet.

While this ḥadīth declares recommendation as a source of Divine reward, it also defines the limit of such recommendation. If a weak person cannot carry his problem onward to a higher authority, or is incapable of explaining correctly what he needs, then, you do it for him. Further from that what happens is none of your business. The

recommendation may be accepted or it may be rejected. What a person needs to be done may be done, or it may remain undone. These are possibilities and you should not interfere in the process of decision-making in any manner whatsoever. Should the final outcome turn out to be against the recommendation made, you should never end up being displeased or disgusted. The last sentence of the hadīth quoted above: *يقضى الله على لسان نبيه ما شاء* means just this. Also, due to this reason, the words of the Holy Qur'ān carry a hint in this direction, that is, the reward or punishment on the making of a recommendation does not depend on a successful recommendation. Such reward or punishment relates to the initial act of making a recommendation in the absolute sense. If you make a good recommendation, you become deserving of a reward and if you make a bad recommendation, you become liable to punishment - the approval or rejection of your recommendation does not matter.

The commentators of Tafsīr al-Baḥr al-Muḥīṭ and Bayān al-Qur'ān and several others take the word *منها*: '*minhā*' in verse 85 as indicative of cause and see a hint in this direction. Al-Tafsīr al-Maẓharī reports from the great exegete Mujāhid that one who makes a recommendation will get a reward for having made it, even though the recommendation may not have been accepted. Then, this approach is not specially related to the Holy Prophet صلى الله عليه وسلم in person. Any recommendation made to any other human being should be bound by this principle - make the recommendation and be done with it. Moving any further to compel the addressee of the recommendation to accept it is not right and fair. This is illustrated by an incident in the blessed life of the Holy Prophet صلى الله عليه وسلم. He made a recommendation to Sayyidah Barīrah, a bondwoman freed by Sayyidah 'Ā'ishah رضي الله عنها that her husband Mughīth from whom she had dissolved her marriage was really disturbed emotionally because he loved her, so she may think of remarrying him. Sayyidah Barīrah رضي الله عنها said: '*Yā Rasūlallah*, if this is your command, I am all for it; but, if this is a recommendation, then, I just do not feel like accepting it at all.' The Holy Prophet ﷺ said: 'Yes, this is a recommendation and not a command.' Sayyidah Barīrah رضي الله عنها, may Allah be pleased with her, knew that the Holy Prophet ﷺ will not feel bad about what is against the set rule. Therefore, in all frankness, she said: 'Then I do not accept

this recommendation.' He took it very gracefully and let her stay the way she was.

This was the whole reality behind the act of recommendation, something which brought merit and reward under the legal code of Islam. But, in our day, people have so mutilated the whole thing that no '*shafā'ah*' or recommendation remains what it was intended to be. What we witness now is a pushy exercise of cashing on the basis of connections, acquaintance and VIP influence for which relentless pressure is exerted. This is why people become angry when their recommendation is not accepted. Some would even stoop down to open hostility, although pressurizing a person to a limit where he is compelled to do something against his conscience and good discretion is included under compulsion and coercion and is a grave sin. This is just like someone forcibly usurping the claim, right or property belonging to the other person. Wasn't that person free and independent as established by the law of Islam? Here comes someone who deprives him of his freedom of action by pressing him to do something against his free will and conscience. This would be like stealing from someone and giving it to a destitute in order to fulfil his need.

Receiving Payment against a Recommendation is Bribe and is Absolutely Forbidden

A recommendation against which anything is taken in return becomes a bribe. The ḥadith declares it to be an ill-gotten property which is *ḥarām* (forbidden). This includes all kinds of bribe whether money-oriented or job-related, for instance, harnessing someone to do a personal chore in return for having done something for him.

According to Tafsīr al-Kashshāf, a good recommendation is that which aims at fulfilling the right of a Muslim, or to bring some permissible benefit to him, or to shield him from harm or loss. Furthermore, this act of recommendation should not be for any worldly expediency. It should be aimed at helping a weak person exclusively for seeking the pleasure of Allah. Then no bribe, financial or physical, should be taken against this recommendation and that this recommendation should also not be about things not permissible. In addition to all that, the purpose of this recommendation should not be to seek pardon for a proven crime the punishment for which stands fixed in the Holy

Qur'an.

It appears in Tafsir Al-Baḥr Al-Muḥiṭ and al-Mazharī that praying to Allah that the need of some Muslim be fulfilled is also included under 'good recommendation', the reward for which reaches the maker of the prayer as well. According to a ḥadith, when someone prays for the good of his brother-in-faith, the angel says: **وَلَكَ بِمَلِكٍ** which means - 'may Allah fulfill your need as well.'

Salām and Islām : The Bliss of Muslim Greeting

In verse 86 which begins with the words: **وَإِذَا حُيِّيتُمْ بِتَحِيَّةٍ فَحَيُّوا بِأَحْسَنَ مِنْهَا**, Allah Almighty tells us the etiquette of offering and returning greetings known as Salām among Muslims.

Lexically, **تَحِيَّة**: 'Taḥiyyah' means saying **حَيَّكَ اللَّهُ**: 'Ḥayyākallāh', that is, 'may Allah keep you alive'. In pre-Islam Arabia, when people met, they used to greet each other by saying 'Ḥayyākallāh' or 'An'amallāhu bika 'aynan' or 'An'im sabāhan' or other expression of this nature. When Islam came, it changed this style of greeting and replaced it with a standard form of greeting which is **السلام عليكم**: 'As-Salāmu 'Alaikum'. Commonly, though incompletely, translated in English as 'peace be on you', the greeting means: 'May you remain safe from every pain, sorrow and distress.'

In Aḥkām al-Qur'an, Ibn 'Arabī says: The word Salām is one of the good names of Allah Almighty and 'As-Salāmu Alaikum' means **اللَّهُ رَقِيبٌ عَلَيْكَ** that is, Allah Almighty is your guardian and caretaker.

The Islamic greeting is unique

All civilized people around the world have the custom of saying something to express mutual familiarity or affection when they meet each other. If compared with these broadmindedly, the Islamic form of greeting will stand out significantly for its comprehensiveness because it does not simply restrict itself to an expression of affection alone. It rather combines it with the fulfillment of the demands of love and affection. It means that we pray to Allah that He keep you safe against all calamities and sorrows. Then, this is no bland prayer for long life alone as was the way with pre-Islam Arabs. Instead of that, here we have a prayer for good life, that is, a life which is secure against all calamities and sorrows. Along with it, the Islamic *salām* is an expres-

sion of the reality of our relation with Allah Almighty - that we, the greeter and the greeted, are all dependent on Allah Almighty needing Him all the time and no one can bring any benefit to someone else without His will and leave. Taken in this sense, this form of greeting is an act of worship in its own right and, quite functionally indeed, a medium of reminding a brother-in-faith of Allah Almighty, the object of his obedience and love.

Staying with this line of presentation, let us imagine a person praying to Allah that his acquaintance remain safe against all calamities and sorrows. When doing so, is it not that he is sort of making a promise as well that the person being greeted is safe against his own hands and tongue. In other words, he is saying that he, in his place, is the guardian and protector of the person's life, property and honour.

In Ahkām al-Qur'an, Ibn al-'Arabī has reported the following saying of Imām Ibn 'Uyaynah:

أَتَذَرُنِي مَا السَّلَامُ؟ يَقُولُ أَنْتَ أَمِنٌ مَعِي

Do you know what *salām* is? The greeter by *salām* says: 'You are safe from me.'

To sum up, it can be said that this Islamic form of greeting has a universal comprehensiveness as it is a medium of the remembrance of Allah while reminding the person greeted of Him. It is a vehicle of expressing love and affection for a brother-in-faith and, in fact, a wonderful prayer for him. Then, it also carries a commitment that the greeted will in no way face harm or discomfort from the greeter as it appears is a sound ḥadīth where the Holy Prophet صلى الله عليه وسلم said:

الْمُسْلِمُ مَنْ سَلِمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ

A Muslim is the one from whom all Muslims remain safe - (safe) from his tongue and (safe) from his hands. (Tirmidhī, Kitābul-Īmān)

At this point one may fondly wish that Muslims would not utter the words of this greeting as some sort of habitual custom which commonly prevails among other people of the world. How beneficial it would be if this greeting is offered out of a full understanding of its reality which, perhaps, may turn out to be enough for the reform of

whole community. This is the reason why the Holy Prophet ﷺ laid great emphasis on popularizing the practice of Muslims in greeting each other with salām, and he identified it as the best of deeds and took time to explain its merits, graces, blessings and rewards. In a ḥadīth of Ṣaḥīḥ Muslim narrated by Sayyidnā Abū Hurairah رضى الله عنه , the Holy Prophet صلى الله عليه وسلم has been reported to have said:

"You cannot enter Paradise until you are a believer and your belief cannot be complete until you love each other. I tell you something which, if you put it in practice, will establish bonds of love among you all, and that is: Make salām a common practice among you which should include every Muslim, whether an acquaintance or a stranger."

Sayyidnā 'Abdullāh ibn 'Umar رضى الله عنه says that someone asked the Holy Prophet صلى الله عليه وسلم : 'Out of the practices of Islam which is the worthiest?' He said: 'Feed people and spread the practice of salām, whether you know or do not know a person.' (Bukhārī and Muslim)

The Musnad of Aḥmad, Tirmidhī and Abū Dāwūd report from Sayyidnā Abū Umāmah رضى الله عنه that the Holy Prophet ﷺ said: 'Nearest to Allah is the person who is the first one to offer salām.'

A ḥadīth from Sayyidnā 'Abdullāh ibn Mas'ūd رضى الله عنه appearing in Musnad al-Bazzar and al-Mu'jam al-Kabīr of al-Ṭabarānī reports that the Holy Prophet صلى الله عليه وسلم said: 'Salām is one of the names of Allah Almighty with which He has blessed the people of the earth. So, make salām a common practice among you because, when a Muslim goes to a gathering of people and offers his salām to them, he is blessed with a station of distinction in the sight of Allah Almighty as he reminded everyone of Salām, that is, reminded everyone of Allah Almighty. If people in the gathering do not return his greeting, others will respond who are better than the people of this gathering, that is, the angels of Allah Almighty.'

In another ḥadīth from Sayyidnā Abū Hurairah رضى الله عنه the Holy Prophet صلى الله عليه وسلم is reported to have said: 'A big miser is the man who acts miserly in offering salām. (Ṭabarānī, al-Mu'jam al-Kabīr)

The effect that those teachings of the Holy Prophet ﷺ had on his noble Companions can be gauged from a narration about Sayyidnā 'Abdullāh ibn 'Umar رضى الله عنه who would frequently go to the bazar

just for the single purpose of having a chance to meet any Muslim there in the hope of offering salām to him and thus become deserving of the reward of an act of worship. Incidentally, he never intended to buy or sell anything while there. This narration from Sayyidnā Ṭufayl ibn Ubayy ibn Ka'b رضى الله عنه appears in Mu'attā' of Imām Mālik.

Verse 4:86 of the Holy Qur'ān which says: 'And when you are greeted with a salutation, greet with one better than it, or return the same', was explained by the Holy Prophet صلى الله عليه وسلم through his own action in the following manner. Once someone came to the Holy Prophet صلى الله عليه وسلم and said: 'As-Salamu 'Alaikum Yā Rasūlallāh' (peace be on you, O Messenger of Allah). While returning the greeting, he added a word and said: 'Wa 'Alaikumus-Salām wa Raḥmatullāh' (And peace be on you, and the mercy of Allah). Then someone else came and offered his salām using the following words: 'As-Salāmu 'Alaika Yā Rasūlallāh wa Raḥmatullāh.' In response, he added yet another word and said: 'Wa 'Alaikumus-Salām wa Raḥmatullāhi wa Barakātuh' (And peace be on you too, and the mercy of Allah, and His blessings). Then came a third person. He combined all three salutations in his initial salām and greeted him by saying the whole thing, that is: 'As-Salāmu 'Alaik Yā Rasūlallāh wa Raḥmatullāhi wa Barakātuh.' In response, the Holy Prophet صلى الله عليه وسلم said only one word 'Wa 'Alaik' (and on you). Disappointed in his heart, he said: 'Yā Rasūlallāh, ransomed be my parents for you, you said many words of prayer while returning the greeting of those who came before me. But, when I greeted you with all those words, you limited your response to 'wa 'alaik' (and on you).' He said: 'You left nothing for me to add in the response! Since you used up all those words in your initial salām, I found it sufficient to return your greeting on the principle of like for like in accordance with the teaching of the Qur'ān.' This narration has been reported by Ibn Jarīr and Ibn Abī Ḥatim with different chains of authorities.

There are three things we find out from this ḥadīth: Words appearing in the verse under comment mean that a salām offered should be returned by adding more words to it. If someone says As-salāmu 'Alaikum (peace be on you), you respond by saying Wa 'Alaikumus-Salām wa Raḥmatullāh (And peace be on you, and the

mercy of Allah). If he says *As-Salāmu 'Alaikum wa Raḥmatullāh* (peace be on you, and the mercy of Allah), then, in response, you say *Wa 'Alaikumus-Salām wa Raḥmatullāhī wa Barakātuh* (And peace be on you, and the mercy of Allah, and His blessings).

2. This addition of words is restricted to three words only as a *masnūn* act, that is, conforming to the blessed practice of the Holy Prophet صلى الله عليه وسلم. Going beyond that is not *masnūn*. The logic behind it is obvious. The occasion for salām requires that the verbal exchange be brief. Any excess in this connection which interferes with ongoing business or which becomes heavy on the listener is not appropriate. Therefore, when the person visiting the Holy Prophet ﷺ combined all three words in his very initial salām, he elected to abstain from any further addition of words. This was further explained by Sayyidnā 'Abdullāh ibn 'Abbās رضى الله عنه by saying that the Holy Prophet صلى الله عليه وسلم stopped the man who went beyond the limit of the three words with the following statement : *إِنَّ السَّلَامَ قَدْ انْتَهَى إِلَى الْبَرَكَةِ* (Mazharī from al-Baghawī). It means that salām ends at the word, *barakah*. Saying anything beyond that was not the practice of the blessed Prophet صلى الله عليه وسلم. (Ibn Kathīr)

3. If someone makes his salām with three words spoken at the same time, returning it with only one word will be correct. That too comes under the principle of like for like and is sufficient in obedience to the Qur'ānic command *أَوْ رُدُّوْهَا* (or return the same) as the Holy Prophet صلى الله عليه وسلم has, in this ḥadīth, considered a one-word response as sufficient. (Tafsīr Mazharī)

In summation, we can say that it is obligatory on a Muslim to return the salām offered to him. If he fails to do so without any valid excuse admitted by the Sharī'ah of Islam, he will become a sinner. However, he has the option to choose the mode. He can either respond with words better than those used in offering the salām; or, the response could be in identical words.

It will be noticed that this verse very clearly states that returning a salām is obligatory but it is not explicit on the nature of offering a salām initially. However, in the Qur'ānic expression *إِذَا حُيِّيتُمْ* (And when you are greeted ..) there does lie a hint pointing towards this rule of conduct. That this statement is in the passive voice without identi-

fying the subject precisely could be suggestive of salām being something all Muslims already do habitually and commonly.

The Musnad of Aḥmad, al-Tirmidhī and Abū Dāwūd report that the Holy Prophet ﷺ said: 'Nearest to Allah is the person who is the first to offer salām.' So, from the emphasis on salām and its many merits you have learnt from the teachings of the Holy Prophet ﷺ cited earlier, we get to understand that offering the initial salām has also been emphasized as part of the practice of the Holy Prophet ﷺ. According to Tafsīr al-Baḥr al-Muḥīṭ, the initial salām is actually a *sunnah mu'akkadah* (emphasized practice of the Prophet of Islam) as held by the majority of 'Ulama. And Ḥasan al-Baṣrī رحمه الله said: 'السلام تطوع والرد فريضة', that is, 'the initial salām is voluntary while returning it is an obligation.'

Some more detailed explanations of this Qur'ānic injunctions about salām and its answer have been given by the Holy Prophet ﷺ which the reader may wish to know briefly. According to a ḥadīth in al-Bukhārī and Muslim, the person riding should himself offer salām to the person walking; and the person walking should offer salām to the person sitting; and a small group of persons walking near a larger group should be the first to offer salām.

According to a ḥadīth in Tirmidhī, when a person enters his house, he should offer salām to the members of his family as this act of grace will bring blessings for him as well as for his family.

According to a ḥadīth in Abū Dāwūd, when one meets a Muslim more than once, he should offer salām every time; and the way offering salām is *masnūn* (a requirement of *sunnah*) at the time of the initial meeting, so it is at the time of seeking leave when offering salām is in line with the practice of the Holy Prophet صلى الله عليه وسلم, and a source of reward as well. This rule of guidance appears in Tirmidhī and Abū Dāwūd as narrated by Sayyidnā Qatādah and Abū Hurairah رضى الله عنه .

Now a note of caution about the rule: It is obligatory to answer salām - however, there are certain exceptions to it. For instance, if someone says salām to a person who is offering ṣalāh, an answer is not obligatory. Indeed, it is a spoiler of ṣalāh. Similarly, a person may be delivering a religious sermon, or is busy in reciting the Holy Qur'ān, or is calling the *adhān* or *iqāmah*, or is teaching religious texts, or is busy

with his human compulsions - in all such conditions, even offering the initial salām is not permissible, and he is not responsible for answering it as a matter of obligation either.

Towards the end of verse 86, it was said: **إِنَّ اللَّهَ كَانَ عَلَى كُلِّ شَيْءٍ حَسِيبًا** (Surely, Allah is the Reckoner over everything). It means that with Allah rests the reckoning of everything which includes all human and Islamic rights such as salām and its answer. These too will have to be accounted for before Allah Almighty.

After that comes verse 87 **وَلَا إِلَهَ إِلَّا هُوَ لِيَجْزِيََنَكُمْ إِلَى يَوْمِ الْقِيَامَةِ لَا رَيْبَ فِيهِ** which means that there is no object worthy of worship other than Allah. So, it exhorts: Believe in Him as the only object of your worship and whatever you do let that be with the intention of an act of worship or 'ibādah before Him. He will gather everyone on the Day of Qiyāmah, the fateful Day of Doom, in which there is no doubt. That will be the Day when He will give everyone the return for whatever deeds he will come up with the promise that Qiyāmah will come and the news that there will be reward and punishment at that time is all true. This is true because this 'news' of what will happen is given by Allah, **وَمَنْ أَصْدَقُ** وَمَنِ اللَّهُ حَدِيثًا - and whose word can be more true than that of Allah?

Verses 88 - 91

فَمَا لَكُمْ فِي الْمُنَافِقِينَ فِتْنَةٍ وَاللَّهُ أَرَكْسَهُمْ بِمَا كَسَبُوا
أَتَرِيدُونَ أَنْ تَهْدُوا مَنْ أَضَلَّ اللَّهُ وَمَنْ يُضِلِّ اللَّهُ فَمَا لَهُ هَادٍ
سَبِيلًا ﴿٨٨﴾ وَذُوا لَوْ تَكْفُرُونَ كَمَا كَفَرُوا فَتَكُونُونَ سَوَاءً فَلَا
تَتَّخِذُوا مِنْهُمْ أَوْلِيَاءَ حَتَّىٰ يَهَاجَرُوا فِي سَبِيلِ اللَّهِ فَإِنْ
تَوَلَّوْا فَخُذُوهُمْ وَأَقْتُلُوهُمْ حَيْثُ وَجَدْتُمُوهُمْ وَلَا تَتَّخِذُوا مِنْهُمْ
وَلِيًّا وَلَا نَصِيرًا ﴿٨٩﴾ إِلَّا الَّذِينَ يَصِلُونَ إِلَىٰ قَوْمٍ بَيْنَكُمْ
وَبَيْنَهُمْ مِيثَاقٌ أَوْ جَاءُوكُمْ حَصِرَتْ صُدُورُهُمْ أَنْ يُقَاتِلُوكُمْ أَوْ
يُقَاتِلُوا قَوْمَهُمْ وَلَوْ شَاءَ اللَّهُ لَسَلَّطَهُمْ عَلَيْكُمْ فَلَقَاتِلُوكُمْ فَإِنْ
اعْتَرَلُوكُمْ فَلَمْ يُقَاتِلُوكُمْ وَالْقُوا إِلَيْكُمُ السَّلَامَ فَمَا جَعَلَ اللَّهُ

لَكُمْ عَلَيْهِمْ سَبِيلًا ﴿٩٠﴾ سَتَجِدُونَ الْآخَرِينَ يُرِيدُونَ أَنْ يَأْمَنُواكُمْ
وَيَأْمَنُوا قَوْمَهُمْ كُلًّا رُدُّوْا إِلَى الْفِتْنَةِ أُرْكِسُوا فِيهَا فَإِنْ لَمْ
يَعْتَرِلَوْكُمْ وَيُلْقُوا إِلَيْكُمُ السَّلَامَ وَكُفُّوا أَيْدِيَهُمْ فُحِّدُوهُمْ
وَأَقْتُلُوهُمْ حَيْثُ ثَقِفْتُمُوهُمْ وَأُولَئِكَ جَعَلْنَا لَكُمْ عَلَيْهِمْ
سُلْطَانًا مُبِينًا ﴿٩١﴾

So, what is the matter with you that you have become two groups about the hypocrites, while Allah has upturned them because of what they did. Do you want to guide the one whom Allah has let go astray? And the one whom Allah lets go astray, for him you shall never find a way. [88]

They wish that you should disbelieve, as they have disbelieved, and thus you become all alike. So, do not take friends from among them unless they migrate in the way of Allah. Then, if they turn away, sieze them, and kill them wherever you find them, and do not take from among them a friend or a helper. [89] Except those who join a group between whom and you there is a treaty, or who come to you their hearts declining to fight you or to fight their people -- And if Allah had so willed, He would have given them power over you, then they would have fought you -- so, if they stay away from you and do not fight you and offer you peace, then Allah has not given you a way against them. [90]

You will find others who want to be secure from you, and secure from their own people. Whenever they are called back to the mischief, they are thrown into it. So, if they do not stay away from you and do not offer peace to you, and do not restrain their hands, then seize them, and kill them wherever you find them, and against these we have given you an open authority. [91]

Commentary

The verses quoted above describe three groups of people about whom two injunctions have been given. The following narrations clarify events surrounding these groups:

1. 'Abdullāh ibn Ḥāmid has narrated from Mujāhid that some

disbelievers of Makkah came to Madīnah. They pretended to have become Muslims and claimed to have come there as emigrants. Later, they turned into apostates. They went to the Holy Prophet ﷺ, told him about their plan to go to Makkah to buy merchandise from there. Having made their false excuse, they departed for Makkah and never returned. There arose a difference of opinion about their behaviour among the Muslims of Madīnah. Some said that they were believers. It was in verse 88: *لَمَّا كُنْتُمْ فِي الْمُنَافِقِينَ فِتْنَةً* (So what is the matter with you that you have become two groups about the hypocrites) where Allah Almighty declared that they were disbelievers and should be killed.

Maulānā Ashraf 'Alī Thānavī has explained the Qur'ānic word, '*munāfiq*' (hypocrite) by saying that they were hypocrites when they claimed to have become Muslims - they had never believed in their hearts. The fact was that hypocrites were not killed because they concealed their inner disbelief. But, the case of these people was different as their apostacy had come out in the open. As for those who took them to be Muslims, they may have, perhaps, taken a benign view of their action under some interpretation. However, this interpretation was based on sheer opinion not supported by any proof from the Sharī'ah. That is why no reliance was placed on it.

2. Ibn Abī Shaybah has narrated from Ḥasan that Surāqah ibn Mālīk al-Mudlajī visited the Holy Prophet صلى الله عليه وسلم after the events of Badr and Uḥud and requested him to make peace with his tribe, Banī Mudlaj. Thereupon, he sent Sayyidnā Khālīd رضى الله عنه to them to conclude a peace treaty. The terms of the treaty were as follows:

"We will not support anyone against the Holy Prophet ﷺ. If the Quraysh become Muslims, We too shall become Muslims. All tribes who enter into alliance with us, they too shall become a party with us in this treaty."

Thereupon, this verse: *وَوَدَّ كَذِبُكُمْ وَلَوْ تَتُوبُونَ (إلى قوله) إِلَّا الَّذِينَ يَصِلُونَ* (They wish that you disbelieve like they have disbelieved) was revealed.

3. It has been narrated from Sayyidnā Ibn 'Abbās رضى الله عنه that the people mentioned in the verse: *سَتَجِدُونَ آخَرِينَ* (You will find others who want to be secure from you) are those belonging to the tribes of Asad and Ghitfān who, when they came to Madīnah, professed Islam outwardly, but to their own people they would confide that they had

really believed in monkeys and scorpions while before Muslims they would piously declare that they were followers of their faith.

However, Ḍaḥḥāk ascribes this conduct to the tribe of 'Abd al-Dār according to a report from Sayyidnā Ibn 'Abbās. The first and the second narration appears in Rūḥ al-Ma'ānī, while the third narration can be seen in Ma'ālim.

Maulānā Ashraf 'Alī Thānavī likens the state of those mentioned in the third narration as that of the first one since it proves that they were no Muslims to begin with, therefore, they fall under the injunction governing disbelievers in general, that is, 'do not fight them in the presence of a peace treaty – otherwise, do.' Thus, regarding those mentioned in the first narration, the second verse (89): **فَإِنْ تَوَلَّوْا فَخُذُوهُمْ** (then if they turn away, seize them and kill them) carries the injunction that they be arrested and killed, while the statement in the third verse (90): **إِلَّا الَّذِينَ يَبِلُغُونَ** (except those who join a group with whom you have a treaty) gives them a clear exemption in the event of peace, a situation which finds mention in the second narration. This exemption has been emphasised once again in **وَإِنْ اعْتَصَلْتُمْ** (if they stay away from you) later in the same verse (90).

Regarding those mentioned in the third narration, it has been said in the fourth verse (91): **سَتَجِدُونَ آخَرِينَ** (you will find others) which means that should these people refuse to leave you alone and insist on fighting, then do fight against them. From this, it can be deduced that in the event they make peace, there should be no fighting against them. (Bayān al-Qur'ān)

In short, the three groups mentioned here are:

1. Those who do not emigrate despite their ability to do so in a period of time when emigration was a pre-requisite of faith in Islam. Or, after having emigrated, they go out of the new abode of Islam (Dār al-Islām) and return to the abode of disbelief (Dār al-Kufr).

2. Those who themselves enter a no-war pact with Muslims or those who join hands with those entering into such a pact.

3. Those who make peace to buy time and once there comes an occasion to fight a war against Muslims, they would readily join the enemy camp throwing all treaty obligations to winds.

The injunction governing the first group is similar to that which governs the disbelievers in general. The second groups is exempted from being arrested and killed. The third group deserves the same punishment as fixed for the first. These verses yield a total of two injunctions, that is, fighting in the absence of peace; and not fighting in the event of peace.

Different forms of Emigration and their Rules

Hijrah (Emigration) mentioned in verse 89 has been taken up in detail under the commentary on verse 100 of Sūrah al-Nisā' which appears a little later. At this point, it is sufficient to know that Emigration from the homeland of Disbelief (Dārul-kufr) was enjoined on all Muslims during the early period of Islam. It is for this reason that Allah Almighty has prohibited treating those who fail to carry out this obligation as Muslims. Consequently, when Makkah was conquered, the Holy Prophet صلى الله عليه وسلم declared: لَا هِجْرَةَ بَعْدَ الْفَتْحِ (There is no Hijrah after the Victory). It means: 'Now that the Conquest of Makkah has made it the Abode of Islam, emigration from there was no more obligatory.' This rule related to the period of time when Emigration was considered to be a pre-condition of anyone's faith. During those days, anyone who did not emigrate despite having the ability to do so was not taken to be a Muslim. But, later on, this injunction was abrogated ¹ and now this mode of Emigration has ceased to exist.

There remains, however, another form of Hijrah which has been identified in a ḥadīth of Saḥīḥ al-Bukhārī where it was said: لَا تَنْقُطُ الْهِجْرَةُ حَتَّى تَنْقُطَ التَّوْبَةُ. It means that Hijrah (not in the sense of abandoning one's homeland, but in the sense of abandoning one's sins) will continue to exist until there remains the time to repent.

‘Allamāh ‘Aynī, the commentator of al-Bukhārī has said about this Hijrah: أَوَّ الْمُرَادِ بِالْهِجْرَةِ الْبَائِقَةِ هِيَ هَجْرُ السَّيِّئَاتِ (This later Hijrah means the abandonment of sins). This subject also finds elucidation in a ḥadīth of the Holy Prophet صلى الله عليه وسلم where he is reported to have said: الْمُهَاجِرُ مَنْ هَجَرَ كُلَّ مَا نَهَى اللَّهُ عَنْهُ. It means that a Muhājir (Emigrant) is one who emigrates ('hajara': abandon, leave) from everything prohibited by Allah

1. It means that emigration no longer remained a pre-requisite for his being Muslim. However, if a Muslim lives in a non-Muslim country where he cannot fulfill his religious obligations, it is incumbent on him to emigrate if he has the means to do so. (Muḥammad Taqī Usmani)

Almighty (al-Mirqāt, v.1)

The discussion appearing above tells us that, technically, the word, Hijrah is applied in a dual sense:

1. To leave one's homeland in order to save one's faith as was done by the Companions, may Allah be pleased with them all - they left their homeland of Makkah and emigrated to Madīnah and Ethiopia.

2. To leave one's sins.

The words of the verse 89: وَلَا تَتَّخِذُوا مِنْهُمْ وَلِيًّا وَلَا نَصِيرًا (and do not take from them a friend or a helper) tell us that seeking help from disbelievers is forbidden (Haram). Pursuant to this, it appears in a narration that the Anṣārs of Madīnah sought the permission of the Holy Prophet ﷺ to seek help from the Jews to offset disbelievers whereupon he said: الْحَيْثُ لَا حَاجَةَ لَنَا بِهِمْ (The bad ones! We do not need them). (Mazharī, v.2)

Verses 92 - 93

وَمَا كَانَ لِلْمُؤْمِنِ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا
خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ
يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ
رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ
مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ
شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا
حَكِيمًا ﴿٩٢﴾ وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا
فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا ﴿٩٣﴾

It is not for a believer to kill any believer, except by mistake. And whoever kills a believer by mistake, then, a believing slave has to be freed and the blood money paid to his family, unless they forgo it.

And if he (the victim) belongs to a people hostile to you and is a believer, then, a believing slave has to be freed.

And if he (the victim) belongs to a people between whom and you there is treaty, then, blood money is to

be paid to his family, and a believing slave to be freed. And whoever does not find one has to fast for two consecutive months. This is a relenting from Allah. And Allah is All-Knowing, All-Wise. [92]

And whoever kills a believer deliberately, his reward is *Jahannam* where he shall remain for ever and Allah shall be angry with him and shall cast curse upon him and he has prepared for him a mighty punishment. [93]

Commentary

Sequence of Verses

Linked with earlier verses dealing with fighting and killing, all forms of killing, in the first instance, are eight in number because the person killed is covered by one of the four conditions which follow. Either, he is a Muslim; or, he is a *Dhimmi* (a free, protected, non-Muslim resident of a Muslim state); or, he is beneficiary of a peace pact and has been assured of the protection of his life, property, honour and religion; or, he is a belligerent disbeliever. Then, killing is of two types: intentional, or accidental. Thus, we see that there are only eight possible forms of killing:

1. The intentional killing of a Muslim.
2. The accidental killing of a Muslim.
3. The intentional killing of a *Dhimmi*.
4. The accidental killing of a *Dhimmi*.
5. The intentional killing of a person with whom there was a pact of peace.
6. The accidental killing of a peace pact beneficiary.
7. The intentional killing of a belligerent disbeliever.
8. The accidental killing of a belligerent disbeliever.

Injunctions covering some of these situations have appeared earlier; some find mention later, and some others are contained in *Hadīth*. Thus, the injunction relating to the first situation enforceable in this life, that is, the obligatory duty of taking 'even retaliation' (*qiṣāṣ*) from him finds mention in *Surh al-Baqarah* and the injunction applicable to the Hereafter follows a little later in verse 93 beginning

with: وَمَنْ يَقْتُلْ (And whoever kills....). The second situation appears in Verse 92 from وَمَا كَانَ لِلْمُؤْمِنِ (It is not for a believer to kill any believer) to وَمَنْ قَتَلَ مُؤْمِنًا قَتَلَ رُكْبَةً (and if he i.e., victim was a believer...). The injunction covering the third situation appears in a hadīth from Dārquṭnī where the Holy Prophet صلى الله عليه وسلم has been reported to have subjected a Muslim to 'even retaliation' (*qiṣāṣ*) to compensate a *Dhimmi* (non-Muslim resident of a Muslim state) (أَخْرَجَهُ الزَّيْلَعِيُّ فِي تَخْرِيجِ الْهَدَايَةِ). The injunction for the fourth situation appears also in verse 92: وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ (and if he is from the people with whom you have a peace treaty). The fifth situation has already been taken up in verse 90 of the previous section under: مَّا جَعَلَ اللَّهُ لَكُمْ عَلَيْهِمْ سَبِيلًا (then Allah has not made it permissible for you). The injunction governing the sixth situation has been mentioned alongwith the one relating to the fourth situation because the peace covenant is general and covers the permanent and the temporary both. Thus, it includes *Dhimmi* and *Musta'min* both,¹ irrespective of their permanent or time-bound guarantee of peace and protection. (Al-durr-al-Mukhtār Kitāb al-diyāt)

The injunction relating to situations 7 and 8 is already evident from the very legalization of Jihād itself which has appeared earlier (86) because belligerent disbelievers are killed intentionally. If killed accidentally, its justification will stand proved in a higher degree. (Bayān al-Qur'ān)

Three kinds of homicide and their respective injunctions

1. *Qatl al-'Amad* (Intentional Killing) which is done with obvious intention by a weapon made from iron or is like a steel weapon in its ability to cut off parts, such as, a sharp-edged bamboo or a sharp-edged piece of rock and things like that.

2. *Qatl Shibh al-'Amad* (Quasi-Intentional Killing) which is, no doubt, done intentionally - but, not with a weapon which could cut off parts.

3. *Qatl al-Khaṭā'* (Accidental Killing). It can happen under intention and conjecture when someone aims at a man taking him to be

1. *Dhimmi* is a non-Muslim person permanently and legally living in an Islamic state while *Musta'min* is a non-Muslim who lawfully enters an Islamic state for temporary stay (Muhammad Taqi Usmani)

land game or belligerent disbeliever. Or, it can happen actually when one did aim at land game but ended up striking a man down. Here, *Khaṭā'* or accident means intentional. So, this covers the second and the third kind both. Both entail the obligation to pay *diyyah* (blood money), and sin as well. But, the two kinds do differ in the later two consequences. The *diyyah* in the second kind of killing is 100 camels of four types, that is, 25 of each type. The *diyyah* of the third kind of killing is also 100 camels, but it has to be of five types, that is, 20 of each type. However, if *diyyah* is paid in cash, the amount to be realized is ten thousand *dirham* or one thousand *dinār*. This holds good for both kinds. However, the second kind is more sinful because of the intention of killing while it is lesser in the third kind because it is the result of simple heedlessness (as in *Hidāyah*). As such, the obligatory nature of *فَتَعْرِتُ رَقَبَةً* (to free a slave) and the word, *taubah* (repentance) in the verse 92 support this position. The fact is that the ground reality of these three kinds is conditioned by Islamic laws as promulgated in the mortal world. As for their being intentional or non-intentional in terms of their being sinful, it depends on the volition of the heart and the intention to commit the act. The punishment due against such sin is known to Allah alone. According to His knowledge these terms, the first kind may become non-intentional; and the second, intentional.

Rulings

1. The amount of *diyyah* (blood money) mentioned above applies to a male homicide victim. In case of a woman, it is half of it. (as in *Hidāyah*).
2. The *diyyah* of a Muslim and *Dhimmī* is equal. The Holy Prophet *صلی اللہ علیہ وسلم* has said: *دية كل ذي عهد في عهد الف دينار* (*Marāsīl* of Abū Dāwūd, as quoted by *Hidāyah*).
3. *Kaffārāh* (expiation) in the form of freeing a slave or fasting has to come from the killer himself. As for *diyyah* (blood money), it is the responsibility of those who are his caretakers. In the terminology of the Shari'ah, they are known as *المأئدة* : *al-Āqilah*, those responsible for paying blood money.

Let there be no doubt at this point as to why the burden of a crime committed by the killer should be transferred to his guardians and supporters while they are innocent. The reason is that the guardians

of the killer are not totally faultless in this case. Their shortcoming is that they did not take necessary steps to stop him from venturing into such gross heedlessness against human life. Moreover, the fear of having to pay blood money, it is likely, will make them take all necessary precautions in the future so that such recklessness does not repeat itself.

4. In the act of freeing a slave (*Kaffārah*: Expiation), a bondman and a bondwoman are equal. The Qur'ānic word *Raqabah*, denoting a slave, is general. However, their physique should be sound and they should not be deformed in any way.

5. The *diyah* of the person killed shall be distributed as part of the inheritance determined by the Shari'ah. A legal heir who forgives his share will cause the *diyah* to be forgiven upto the limit of his share. If all legal heirs forgive it, the whole *diyah* will stand forgiven.

6. The *diyah* of a person killed who has no legal heir as recognized by the Shari'ah will be retired to the Bayt al-Māl (State Treasury) because *diyah* is inheritance and inheritance is governed by this very ruling. (Bayān al-Qur'ān)

7. As for people bound by a mutual covenant, be they Dhimmīs, free non-Muslim citizens of a Muslim country; or, the Musta'min, (those given guarantee of peace for a temporary period of time) the *diyah* obligatory in their case is valid only when people belonging to that Dhimmī or Musta'min are present. If they have no such people, or such people be Muslims, then, given the fact that a Muslim cannot inherit from a disbeliever, this *diyah*, therefore, shall be deemed as non-existent. Thus, should he be a Dhimmī, his *diyah* shall be retired into the Bayt al-Māl because the inheritance of a heirless Dhimmī - which includes *diyah* - goes to the Bayt al-Māl (as in al-Durr al-Mukhtār); otherwise, it will not be obligatory (Bayān al-Qur'ān).

8. If continuity is broken in fasting due to sickness or some other reason, then, one will have to fast afresh. But, for a woman, this continuity will not be deemed as broken because of her menstruation.

9. If, for some valid excuse, one does not have the strength to fast, then, he should keep repenting until his strength returns.

10. In intentional killing, there is no provision for this *Kaffārah*

(expiation); one should repent. (Bayān al-Qur'ān)

Verse 94 - 96

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا صَرَبْتُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا
تَقُولُوا لِمَنْ أَلْفَىٰ إِلَيْكُمْ السَّلَامَ لَسْتَ مُؤْمِنًا تَبْتَغُونَ عَرَضَ
الْحَيَاةِ الدُّنْيَا فَعِنْدَ اللَّهِ مَغَانِمٌ كَثِيرَةٌ ۖ كَذَلِكَ كُنْتُمْ مِنْ قَبْلُ
فَمَنَّ اللَّهُ عَلَيْكُمْ فَتَبَيَّنُوا ۚ إِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ
خَبِيرًا ﴿٩٤﴾ لَا يَسْتَوِي الْقُعْدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولَى
الضَّرَرِ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ ۖ فَضَّلَ
اللَّهُ الْمُجَاهِدِينَ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ عَلَى الْقُعْدِينَ دَرَجَةً ۖ
وَكُلًّا وَعَدَ اللَّهُ الْحُسْنَىٰ ۖ وَفَضَّلَ اللَّهُ الْمُجَاهِدِينَ عَلَى
الْقُعْدِينَ أَجْرًا عَظِيمًا ﴿٩٥﴾ دَرَجَتٍ مِنْهُ وَمَغْفِرَةً وَرَحْمَةً ۖ وَكَانَ
اللَّهُ غَفُورًا رَحِيمًا ﴿٩٦﴾

O those who believe, when you go out in the way of Allah, be careful, and do not say, to the one who offers you the *salām*¹ "You are not a believer" seeking goods of the worldly life. So, with Allah there are spoils in abundance. In the same state you were before; then Allah favoured you. So, be careful. Surely, Allah is all-aware of what you do. [94]

Those among the believers who sit back, except the handicapped, are not equal to those who fight in the way of Allah with their riches and their lives. Allah has raised the rank of those, who fight with their riches and their lives over those who sit; and to each Allah has promised good. And Allah has given precedence to those who fight over those who sit in giving them a great reward [95] -- high ranks from Him and forgiveness and mercy. And Allah is Most-Forgiving, Very-Merciful. [96]

1. *Salām*: the word prescribed by Islam for greeting, i.e. *Assalamu 'alaykum...*

Commentary

Sequence of Verses

Stern warning has been given against the killing of a Muslim in previous verses. Now it is being said that the apparent profession of Islam is all that is needed for a Muslim to be regarded as a Muslim obligated to observe the laws of the Shari'ah. So, it is necessary to abstain from the killing of a person who professes Islam. Furthermore, it is also not permissible to dig deep into his inward state of belief just because of some suspicion and to keep waiting for a definite proof of his certitude in faith in order that Islamic laws can be applied in his case. This is what happened during some battles with disbelievers when some Companions were unable to observe the fine line of distinction in this rule. On those occasions, there were some people who presented themselves as Muslims but some Companions took their profession of Islam as a lie and killed them, taking their belongings as war spoils. Allah Almighty condemned this indiscretionary practice. However, an admonition was considered sufficient and no severe warning was revealed for them against this act because the Companions did not know the rule clearly till that time. (Bayān al-Qur'ān)

Signs of Islam are sufficient to identify a Muslim:

In the first of the three verses cited above, the guidance given is that in the case of one who professes to be a Muslim, no Muslim is allowed to interpret his declaration of Islam as hypocrisy, without certain knowledge and proof. This verse (94) was revealed in the background of certain episodes relating to some Companions where they had not taken the correct line of action.

So, it has been reported from Sayyidnā 'Abdullāh ibn 'Abbās in Tirmidhī and the Musnad of Aḥmad that a man from the tribe of Banū Sulaym met a group of the noble Companions who were going on a Jihād mission. This man was grazing his goats. He offered salām greetings to the group which was a practical demonstration of his being a Muslim. The Companions thought that this man was just pretending in view of the situation before him. Thus, taking his profession of Islam as a ruse to save his life and property whereby he could get away from them by tricking them with greeting in the Muslim style, they killed him and appropriated the herd of his goats as war

spoils which they took to the Holy Prophet ﷺ. Thereupon, this verse was revealed. It laid down the rule: Do not take anyone who greets you by offering salām in the Islamic manner as a pretender and never assume, without valid proof, that his profession of Islam was a trick and never take possession of his property as spoils. (Ibn Kathīr)

There is another narration from Sayyidnā 'Abdullāh ibn 'Abbās which has been reported by al-Bukhārī briefly and by al-Bazzār, in details. According to this narration, the Holy Prophet ﷺ sent out a group of mujāhidīn which included Sayyidnā Miqdād ibn al-Aswad. When they reached the designated spot, everyone present there ran away. The only man left there had a lot of valuable things with him. Facing the Companions, the man recited the *kalimah*: اَشْهَدُ اَنْ لَا اِلَهَ اِلَّا اللهُ (I testify that there is no god but Allah). But, Sayyidnā Miqdād رضى الله عنه, assuming that the man's heart was not behind his verbal declaration of faith and that he was doing it simply to save his life and property, killed him. One Companion from among the group present admonished him for what he had done: He had killed a person who had testified that there is no god but Allah. He declared that he will make it a point to relate this incident before the Holy Prophet ﷺ when and if he would have the honour of returning to him. Finally, the group returned to Madīnah and reported the incident to the Holy Prophet ﷺ who called for Sayyidnā Miqdād and gave him a stern warning. He said: 'What would you say on the Day of Doom when the *kalimah* of لَا اِلَهَ اِلَّا اللهُ will stand as a plaintiff against you?' The verse اَلْقَىٰ اِلَيْكُمْ السَّلَامَ لَسْتَ مُؤْمِنًا (do not say to the one who offers you salām, "You are not a believer") was revealed on this occasion.

Other incidents, apart from the two mentioned here, have been reported with reference to this verse, but respected scholars of Tafsīr do not admit of any contradiction in these narrations, for these events as a whole could have been the cause of the revelation.

The words of the verse are: اَلْقَىٰ اِلَيْكُمْ السَّلَامَ (offer you salām). If the word, salām in the text is taken to mean 'salām' in the technical sense (Muslim greeting or salutation), it applies to the first event more suitably. However, if 'salām' is taken to mean submission or surrender to the will of Allah in the literal sense, then, this meaning applies to both events equally. Therefore, salām in the present textual setting has also

been translated in the sense of submission and obedience to Allah.

It is impermissible to take a decision without investigating into related facts of an event

The first sentence of the verse (94) carries a general rule which must be followed by all Muslims: Let no Muslim do anything summarily as based on guess alone. The words of the verse are: **إِذَا صَرَيْتُمْ** (when you go out in the way of Allah, be careful). Acting on conjecture is likely to land one in trouble. The restriction of travel in the verse is there because these events came to pass during the state of travel. Or, it may be because doubts crop up during travel to previously unvisited places as compared with the city of residence where things and people are generally familiar. Otherwise, the basic rule, in travel or while resident, is general, that is reacting to any situation without proper investigation is not permissible. In a hadīth, the Holy Prophet صلى الله عليه وسلم has said: "To act sensibly is from Allah and to rush through is from Shayṭān" (al-Bahr al-Muḥīṭ)

The second sentence: **يَتَّبِعُونَ عَرَصَ الْخَيْبَةِ الدُّنْيَا** (seeking goods of the worldly life) in verse 94 is a prescription for weakness which caused this false step. The weakness was their desire to acquire worldly wealth through collecting spoils. But, immediately after, it was pointed out that Almighty Allah has set aside many more spoils destined for them. Why, then, should they bother about material gains? By way of further admonition, they were asked to recollect that there were so many among them who would not have dared to come out openly with their faith in Islam. It was only when Allah favoured them that they were delivered from the encirclement of disbelievers and were able to profess Islam openly. Keeping this situation in mind, would it not be possible that the person who is saying **لَا إِلَهَ إِلَّا اللَّهُ** at the sight of the Muslim army, might really be an adherent of Islam from the early days but was unable to profess it freely fearing reprisals from the disbelievers. When he saw the Muslim army, he lost no time in doing so. If they looked into their own situation, they would realize that there was the time when they had recited the *Kalimah* and had called them Muslims, the Shari'ah of Islam had never asked them to first prove their being Muslims. There was no such condition. They were never asked to let their hearts be examined. They were not ordered to

produce a proof of their Islam before they could be declared as confirmed Muslims. Quite contrary to all this, the simple recital of the *Kalimah* of Islam: لَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَسُولُ اللَّهِ was considered good enough to recognize them as Muslims. Keeping this in mind, it was their duty that they should now take anyone who recites the *Kalimah* before them as a Muslim.

The meaning of not taking a Muslim to be a Kāfir

From this verse comes the important ruling that anyone who professes Islam and declares that he is a Muslim - by reciting the *Kalimah* or by associating himself with some marked feature of Islam such as the Adhān and the Ṣalāh - should be treated as a Muslim. All Muslims must deal with him as they would do with any other Muslim. They are not supposed to wait and worry about finding out whether such a person has embraced Islam with all his heart or it has been done out of expediency.

In addition to that, this is a case in which even his doings will not serve as the criterion. Suppose, someone skips Ṣalāh, does not fast and is involved with all sorts of sins - still, no one has the right to say that he has gone outside the pale of Islam or to treat him as one would treat a disbeliever. Therefore, the great Imām Abū Ḥanīfah said: لَا تَكْفُرُ أَهْلَ الْقِبْلَةِ بِذَنْبٍ (We do not call 'the people of the Qiblah' Kāfirs because of some sin). Similar statements appear in hadīth narrations also, such as, 'Do not say that 'the people of Qiblah' are Kāfirs, no matter how sinful and evil-doing they may be.'

At this point, there is something everyone should understand and remember, clearly and particularly. This relates to the authority of the Qur'ān and Sunnah from which it is proved that calling or taking someone who calls himself a Muslim to be a Kāfir is not permissible. It clearly means that until such time he says or does something which provides the positive proof of *Kufr* (disbelief), his profession of faith in Islam shall be deemed as sound and he will continue to be taken as a Muslim and, for all practical purposes, he will be dealt with as one would deal with Muslims. No one will have the right to debate what goes on in his heart or how sincere or hypocritical he may or may not be.

But, there may be a person who professes Islam, attests to faith,

yet disgraces himself by uttering words of disbelief or prostrates before an idol or denies an injunction of Islam which is absolute and obvious, or takes to a religious way or mark of disbelievers - such a person will certainly be declared a Kāfir because of his deeds which prove his infidelity. It will be noticed that, the word نَبِّئُوا (be careful or investigate) in the present verse provides a hint to this effect, otherwise, the Jews and the Christians all claimed to be believers. Then, there was Musaylimah, the Liar. He was declared to be a Kāfir with the consensus of Companions, and killed. As for him, he was not only a professor of the Islamic creed but a practicing adherent of Adhān and Ṣalāh as well. In his Adhān, he had the Muezzin say: أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ (I testify that there is no god but Allah) which was duly followed by أَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ (I testify that Muḥammad is the Messenger of Allah). But, while he did this, he also claimed to be a prophet and a messenger who received revelations. This was an open denial of the binding injunctions of the Qur'an and Sunnah. It was on this basis that he was declared to be an apostate and a Jihād force was sent against him with the consensus of the Companions.

In short, the correct course of action when faced with this problem is: Take everyone who recites the *Kalimah* and adheres to Islam (*ahl al-Qiblah*: the people of Qiblah) to be a Muslim. Peeking into his heart is not our business. Let Allah be the judge. But, when you see one professing faith yet doing things to the contrary, take him to have become an apostate subject to the condition that such deeds be, absolutely and certainly, contrary to the dictates of Faith and that it admits of no other probability or interpretation.

Finally, we can now see that 'the reciter of the *Kalimah*' (*Kalimah-go*) or *Ahl al-Qiblah* (the people of Qiblah, meaning Muslims who universally turn to the direction of Holy Ka'bah when praying) are technical terms applied solely to one who, after his professing Islam, does nothing by his word and deed which can be classed as infidelity.

Some Injunctions about Jihād

The second verse (95) takes up some injunction related to Jihād. It says that people who do not participate in Jihād without some valid excuse cannot be equal to those who fight in the way of Allah staking everything they have, even their lives. In fact, Almighty Allah has

raised the ranks of those who fight in the way of Allah over those who do not. However, along with this declaration of the precedence of Mujāhidīn, it was also said that Almighty Allah has promised good returns for both groups. Both shall be blessed with Paradise and Allah's forgiveness - the only difference between them will be that of ranking.

According to leading exegetes, this verse tell us that Jihād is *Farḍ 'ala al-Kifāyah* under normal conditions. *Farḍ Kifāyah*, as opposed to *Farḍ 'ala al'Ayn* (an obligation for every individual), is an obligation of sufficiency. It means that should some people fulfill it, the rest of Muslims stand relieved subject to the condition that those engaged in Jihād must be sufficient for that Jihād. If the situation is otherwise, Jihād will become an obligation (*Farḍ 'Ayn*) on all Muslims living in the neighbouring areas who will have to come forward to help the Mujāhidīn.

The Definition of *Farḍ Kifāyah*

In the terminology of the Shari'ah, *Farḍ 'ala al-Kifāyah* refers to obligations the fulfillment of which is not mandatory on every individual Muslim. Instead, if some fulfill it, that will be good enough. Most activities of a collective nature fall under this category. Teaching of religious sciences and their wider dissemination is also an obligation of this nature - if some people are devoted to the fulfillment of this obligation and their number is fairly sufficient, then, other Muslims are absolved of this duty. But, should it be that just about nobody is discharging this obligation wherever there be the need to do so, then, everyone becomes a sinner.

The Ṣalāh for the deceased, the bathing and shrouding of the body is also a collective obligation, for a brother fulfills the rights of a Muslim brother and this is how it is supposed to be, a requirement of the Islamic law. The making of Masājid and Madāris (mosques and religious schools) and running programmes of public welfare are included under this very injunction, that is, if some Muslims do that, the rest stand absolved of the obligation.

Generally, injunctions related to collective needs have been, of necessity, classed as *Farḍ Kifāyah* by the Shari'ah of Islam so that all duties can be discharged under the principle of distribution of work. Thus, some people would be engaged in Jihād, others in education and

da'wah activities and still others in attending to various other Islamic or human needs.

The statement *وَمَكَرَ اللَّهُ الْخُسْفَى* (and to each, Allah has promised good) in this verse gives peace of mind to those who are engaged in religious duties other than Jihād. But, this injunction is operative in normal conditions when the Jihād waged by some people is sufficient for defence against the enemy attack. Should it be that their Jihād needs additional support, Jihād becomes an absolute obligation on neighbouring Muslims in the first instance. If this support too turns out to be still deficient, Jihād becomes an absolute obligation on Muslims living nearby in their proximity. Finally, just in case, they too are unable to meet the challenge from the enemy, the mantle of Jihād duty falls on the shoulders of other Muslims to the limit that there may come a time when every Muslim from the East and the West may have to participate in the Jihād as solemn religious obligation.

The third verse (96) too recounts the same degrees of precedence that the Mujāhidīn have over others.

Ruling

Jihād is not obligatory on the lame, the crippled, the blind, the sick and on others who are excusable under the Islamic law.

Verses 97 - 100

إِنَّ الَّذِينَ تَوَفَّيْنَاهُمُ الْمَلَائِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُوا فِيمَ كُنْتُمْ
قَالُوا كُنَّا مُسْتَضْعَفِينَ فِي الْأَرْضِ قَالُوا أَلَمْ تَكُنْ أَرْضَ
اللَّهِ وَاسِعَةً فَتُهَاجِرُوا فِيهَا فَأُولَئِكَ مَأْوَاهُمْ جَهَنَّمُ وَسَاءَتْ
مَصِيرًا ﴿٩٧﴾ إِلَّا الْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ
لَا يَسْتَطِيعُونَ حِيلَةً وَلَا يَهْتَدُونَ سَبِيلًا ﴿٩٨﴾ فَأُولَئِكَ عَسَى
اللَّهُ أَنْ يَغْفُو عَنْهُمْ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا ﴿٩٩﴾ وَمَنْ يُهَاجِرْ
فِي سَبِيلِ اللَّهِ يَجِدْ فِي الْأَرْضِ مُرَافَعًا كَثِيرًا وَسَعَةً وَمَنْ
يَخْرُجْ مِنْ بَيْتِهِ مُهَاجِرًا إِلَى اللَّهِ وَرَسُولِهِ ثُمَّ يُدْرِكْهُ الْمَوْتُ
فَقَدْ وَقَعَ أَجْرُهُ عَلَى اللَّهِ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا ﴿١٠٠﴾

Those whom the angels take while they had wronged themselves, (to them) the angels said, "What were you (involved) in?" They said, "We were oppressed in the earth." They said, "Was not the earth of Allah wide enough that you might have sought refuge in it?" As for such, their shelter is Jahannam. And it is an evil place to return [97] - except the oppressed, men and women and children, who cannot manage a device nor can find a way. As for such, it is likely that Allah would pardon them. And Allah is Most-Pardoning, Most-Forgiving. [99]

And whoever migrates in the way of Allah shall find in the earth many a place to settle and a wide dimension (of resources). And whoever leaves his home migrating for the sake of Allah and His Messenger and death overtakes him, then, his reward is established with Allah. And Allah is Most-Forgiving, Very-Merciful. [100]

Commentary

The Definition of Hijrah

In the four verses cited above, the merits, blessings and injunctions of Hijrah have been described. Lexically, Hijrah, Hijrān and Hajr mean 'being displeased with something and leaving it'. In common parlance, the leaving of one's home country is known as Hijrah. In the terminology of the Shari'ah, leaving *Dār al-Kufr* (Homeland of disbelievers) and going to *Dār al-Islam* (Abode of Islam) is called *Hijrah* (Rūh al-Ma'ānī).

In Sharḥ al-Mishkāh, Mullā 'Alī al-Qārī has said: Leaving a home country for religious reasons is also included under *Hijrah* (Mirqāt, p. 39, v.1).

From the verse الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ وَأَمْوَالِهِمْ (59:8): "Those who have been driven away from their homes ..." revealed about emigrating Companions, we know if disbelievers of a country forcibly expel Muslims because they are Muslims, this too will be included under *Hijrah*.

From this definition, we learn that Muslims migrating from India to Pakistan who came here out of disgust for *Dār al-Kufr* at their own choice or were driven away by non-Muslims simply because they were Muslims, are all '*Muhājirs*' in the Islamic legal sense. But, those who have moved to benefit from business or employment opportunities are

not entitled to be called '*Muhājir*' in that Islamic legal sense.

Then, there is the ḥadīth from al-Bukhārī and Muslim in which the Holy Prophet صلى الله عليه وسلم has been reported to have said:

الْمُهَاجِرُ مَنْ هَجَرَ مَا نَهَى اللَّهُ عَنْهُ وَرَسُولُهُ

Muhājir is one who leaves everything Allah and His Messenger have prohibited.

The full sense of the saying becomes clear from the first sentence of this very ḥadīth which is as follows:

الْمُسْلِمُ مَنْ سَلِمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ

A Muslim is the one from whom all Muslims remain safe - (safe) from his tongue and (safe) from his hands. (Tirmidhī, Kitab al-Īmān)

As obvious, it means that a 'true and staunch Muslim has to be the one who hurts none. Similarly, a true and successful *Muhājir* is the one who does not consider migration from his home country as the ultimate obligation. He should, rather, leave everything else the Shari'ah has declared to be unlawful or impermissible. Said poetically, it would be saying something like: اپنے دل کو بھی بدل جامہ احرام کے ساتھ (When you change into the *Ihrām* garment, better change your heart too!)

The Merits of *Hijrah*

Just as the verses about *Jihād* are spread out all over in the Holy Qur'an, *Hijrah* too has been mentioned many times in most of the Sūrahs. A cumulative view of these verses shows that there are three kinds of themes in verses relating to *Hijrah*. Firstly, there are the merits of *Hijrah*; secondly, its worldly and other-worldly blessings; and thirdly, warnings against not migrating from *Dār al-Kufr* despite having the ability to do so.

As for the merits of *Hijrah*, there is a verse in Sūrah al-Baqarah:

إِنَّ الَّذِينَ آمَنُوا وَالَّذِينَ هَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ أُولَٰئِكَ يَرْجُونَ رَحْمَةَ اللَّهِ وَاللَّهُ غَفُورٌ رَحِيمٌ

As for those who believed and those who migrated and carried out *Jihād* in the way of Allah, they do hope for Allah's mercy and Allah is Forgiving, Very-Merciful - (2:218).

The second verse appears in Sūrah al-Taubah:

الَّذِينَ آمَنُوا وَهَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ أَكْثَرُ
دَرَجَةً عِنْدَ اللَّهِ وَأُولَئِكَ هُمُ الْفَائِزُونَ

And those who believed and emigrated and took up Jihād in the way of Allah with their wealth and lives are greater in rank in the sight of Allah - and they are the successful ones - (9:20).

The third verse belongs to Sūrah al-Nisā' and appears right here as part of the set of verses under study:

وَمَنْ يَخْرُجْ مِنْ بَيْتِهِ مُهَاجِرًا إِلَى اللَّهِ وَرَسُولِهِ ثُمَّ يُدْرِكُهُ الْمَوْتُ فَقَدْ وَقَعَ أَجْرُهُ
عَلَى اللَّهِ

And whoever migrates in the way of Allah shall find in the earth many a place to settle and a wide dimension (of resources). And whoever leaves his home migrating for the sake of Allah and His Messenger and death overtakes him, then, his reward is established with Allah. And Allah is Most-Forgiving, Very-Merciful - (4:100).

According to some narrations, this last verse was revealed about Sayyidna Khālīd ibn Ḥizām at the time of the migration to Ethiopia. He had left Makkah on his way to Ethiopia with the intention of Hijrah. Enroute, a snake bit him which caused his death. In short, the three verses cited above have clearly emphasized Hijrah from *Dār al-Kufr* (migration from the Abode of Disbelief) and the many merits it has.

In a ḥadīth, the Holy Prophet صلى الله عليه وسلم has said: *الْهِجْرَةُ تَهْدِمُ مَا كَانَ قَبْلَهَا* meaning: Hijrah will undo all sins which may have been committed before it.

The Blessings of Hijrah

As for blessings, a verse from Sūrah al-Nahl says:

وَالَّذِينَ هَاجَرُوا فِي اللَّهِ مِنْ بَعْدِ مَا ظَلَمُوا لَنُبَوِّئَنَّهُمْ فِي الدُّنْيَا حَسَنَةً وَلَا جَزَاءَ أَكْبَرَ لَوْ كَانُوا يَعْلَمُونَ .

And those who migrated for the sake of Allah after they were subjected to injustice, to them We shall give a good place to be in the world while the reward of the Hereafter is certainly

great - only if they had realized! (16:41)

The fourth verse of the set of four verses (97-100) appearing at the head of this part of the Commentary deals with approximately the same subject. There it has been said:

وَمَنْ يُهَاجِرْ فِي سَبِيلِ اللَّهِ يَجِدْ فِي الْأَرْضِ مُرَافًا كَثِيرًا وَسَعَةً

And whoever migrates in the way of Allah shall find in the earth many a place to settle and a wide dimension (of resources).

The word '*murāgham*' in the verse is a verbal noun which means 'to move from one land to the other' and the place to which one moves and settles is also called '*murāgham*'.

Both these verses quoted above tell us about the open and the hidden blessings of Hijrah where Almighty Allah has promised to everyone who migrates for the sake of Allah and His Messenger that He shall open new opportunities in the world for them and give them a good home to settle. As for the rewards and ranks of the Hereafter, they are beyond any reach of expectation or imagination.

The words *لَيُؤْتِيَنَّهُمْ فِي الدُّنْيَا حَسَنَةً* which promise 'a good place to be' in the world have been interpreted variously. Mujāhid explains it as 'lawful sustenance', Ḥasan al-Baṣrī as 'good home' while some other commentators have interpreted it as 'superiority in excellence, honour and power over antagonists.' The truth of the matter is that all these elements are included within the sense of the verse. World history bears witness that whoever has left his homeland for the sake of Allah, to him Almighty Allah has given a home far better than what he had earlier, far more honour and far more comfort. Sayyidnā Ibrāhīm عليه السلام migrated to Syria from his homeland in Iraq - Allah gave him all those things. Sayyidnā Mūsā and the Banī Isrā'īl migrated from Egypt, their homeland for the sake of Allah, then He gave them the land of Syria, a better homeland. Then, they got Egypt too. When our master and the last of the prophets, Sayyidnā Muḥammad صلى الله عليه وسلم and his Companions left Makkah for the sake of Allah and His Messenger, these blessed emigrants found the best of shelter in Madīnah, far better than Makkah. There they had honour and power and peace and prosperity. Of course, this does not include the transitory hardship

faced during the early period of Hijrah. But, soon after that, the blessings, which were showered on these people and which continued through several generations, shall be the proper yardstick in this matter.

Events related to the poverty and hunger of Noble Companions so well-known belong generally to the early period of Hijrah; or, go as what can be called volitional acceptance of poverty, a dignified attitude of readiness to live with less (*Faqr*). In other words, they just did not like worldly wealth and property as a result of which they lost no time in spending what they received, in the way of Allah. This was very much the state in which the Holy Prophet صلى الله عليه وسلم lived. His lack of means and patience in hunger were simply voluntary. He just did not choose to be rich. Nonetheless, during the sixth year of Hijrah, after the conquest of Khyber, things had changed and sufficient means of sustenance were available for the Holy Prophet صلى الله عليه وسلم and his family. The same was the case with all righteous caliphs. When they reached Madīnah, Allah had given them everything they needed. But, when Islam needed their support, Sayyidnā Abū Bakr came forward and donated everything he had in his house. The Mother of the Faithful, Sayyidah Zaynab would give away all her stipend money to the poor and the needy and remain satisfied living indigently. For this reason, she was called 'The Mother of the Needy'. On the other side, no less in number were the rich ones among the Companions who left wealth and property behind. There were many among the Companions who were poor in their home-city of Makkah but Allah Almighty made them rich and happy after Hijrah. Sayyidnā Abū Hurairah رضى الله تعالى عنه can be cited as a good example. When he was appointed the governor of a province, he used to enjoy talking about his past with unusual relish. He would formally address himself and say: 'O Abū Hurairah, you are the same man, the servant of a tribe. Your salary was what you could eat. Your duty was to walk with those who rode on a journey and your duty was to collect firewood for them when they broke their journey at a certain stage. Today, because of Islam, you are here, so high from so low, and they call you the Commander of the Faithful!

In summation, it can be said that the world has openly witnessed

the fulfillment of the promise Allah has made in the Qur'an. However, the verse has put a condition that they must be 'true emigrants for the sake of Allah', a substantiation of *Hājarū fi-llāh*. This kind of emigrant should have not migrated for the sake of wordly wealth, office, power, recognition, honour or influence. Otherwise, in a ḥadīth of al-Bukhārī, the Holy Prophet صلى الله عليه وسلم has also been reported to have said: 'Those who migrate for the sake of Allah and His Messenger, their migration is precisely for Allah and His Messenger.' It means that this is the correct mode of Hijrah the merits and blessings of which appear in the Qur'an. As for those who migrate to make money or marry a woman, their compensation against Hijrah is exactly what they migrated for.

In our time, some groups of *muhājirīn* (emigrants) who are living in distress are either in that transitory stage of the early period of Hijrah which is usually marked with hardships, or they are not *Muhājirs* in the real sense. They should correct their intention and take charge of the circumstances under which they live. After their intention and their corresponding deeds have been corrected, they shall witness the truth of Allah's promise with their own eyes.

Verses 101 104

وَإِذَا ضَرَبْتُمْ فِي الْأَرْضِ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَقْصُرُوا
مِنَ الصَّلَاةِ إِنْ خِفْتُمْ أَنْ يَفْتِنَكُمُ الَّذِينَ كَفَرُوا إِنَّ الْكَافِرِينَ
كَانُوا لَكُمْ عَدُوًّا مُّبِينًا ﴿١٠١﴾ وَإِذَا كُنْتَ فِيهِمْ فَأَقَمْتَ لَهُمُ
الصَّلَاةَ فَلْتَقُمْ طَائِفَةٌ مِّنْهُمْ مَّعَكَ وَلْيَأْخُذُوا أَسْلِحَتَهُمْ فَإِذَا
سَجَدُوا فَلْيَكُونُوا مِنْ وَرَائِكُمْ وَلْتَأْتِ طَائِفَةٌ أُخْرَى لَمْ
يُصَلُّوا فَلْيُصَلُّوا مَعَكَ وَلْيَأْخُذُوا حِذْرَهُمْ وَأَسْلِحَتَهُمْ وَذَ
الَّذِينَ كَفَرُوا لَوْ تَغْفُلُونَ عَنْ أَسْلِحَتِكُمْ وَأَمْتِعَتِكُمْ فَيَمِيلُونَ
عَلَيْكُمْ مَّيْلَةً وَاحِدَةً وَلَا جُنَاحَ عَلَيْكُمْ إِنْ كَانَ بِكُمْ أَدَى مِنْ
مَطَرٍ أَوْ كُنْتُمْ مَرَضَى أَنْ تَضَعُوا أَسْلِحَتَكُمْ وَخُذُوا حِذْرَكُمْ إِنَّ

اللَّهُ أَعَدَّ لِلْكَافِرِينَ عَذَابًا مُهِينًا ﴿١٠٢﴾ فَإِذَا قَضَيْتُمُ الصَّلَاةَ فَادْكُرُوا اللَّهَ قِيَامًا وَقُعُودًا وَعَلَىٰ جُنُوبِكُمْ فَإِذَا اطْمَأْنَنْتُمْ فَأَقِيمُوا الصَّلَاةَ إِنَّ الصَّلَاةَ كَانَتْ عَلَى الْمُؤْمِنِينَ كِتَابًا مَّوْقُوتًا ﴿١٠٣﴾ وَلَا تَهِنُوا فِي ابْتِغَاءِ الْقَوْمِ ۚ إِن تَكُونُوا تَأْمُونُونَ فَإِنَّهُمْ يَأْمُونُونَ كَمَا تَأْمُونُونَ ۚ وَتَرْجُونَ مِنَ اللَّهِ مَا لَا يَرْجُونَ ۚ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا ﴿١٠٤﴾

And when you travel in the earth, there is no sin on you in shortening your *Ṣalāh* if you fear that the disbelievers would put you in trouble. Surely, the disbelievers are an open enemy for you. [101]

And when you (O prophet) are in their midst, and arrange for them the *Ṣalāh*, then, a party from them should stand with you and should take their arms along. Then, once they performed *Sajdah*,¹ they should move away from you and the other party, which has not yet performed *Ṣalāh*, should come and perform *Ṣalāh* with you, and should take their precautionary measures and their arms. Those who disbelieve would want you to become heedless to your arms and your belongings so they come down upon you in a single move. And there is no sin on you, if you have some inconvenience due to rain or you are sick, in putting your arms aside. And do take your precautionary measures. Surely, Allah has prepared for the disbelievers a humiliating punishment. [102]

And once you have finished your *Ṣalāh*, then, remember Allah while standing, sitting and reclining. And as soon as you are secure, perform the *Ṣalāh* as due. Surely, *Ṣalāh* is an obligation on the believers which is tied up with time. [103]

And do not show weakness in pursuing these people. If you suffer, then, they suffer as you suffer, while you hope from Allah what they do not hope. And Allah is

1. *Sajdah* or *Sujud*, a way of prostration specified by the Shari'ah of Islam as a part of *Ṣalāh*.

All-Knowing, All-Wise. [104]

Commentary

The subject of Jihād and Hijrah were taken up in previous verses. Since travel is involved in Jihād and Hijrah under most conditions, the likelihood of confrontation with the enemy is strong and frequent while making such a trip. Therefore, special mention has been made in the verses cited above of some particular leaves and concessions in the performance of Ṣalāh in due consideration of travel and its dangers.

The concessions given in travel

(In Islamic legal terminology, *Safar* means journey or travel; *Qaṣr* refers to the making of one's Ṣalāh short while in that status. Thus, four obligatory *Raka'āt* of Zuhr, 'Aṣr and 'Ishā are reduced in number and confined to two *Raka'āt* only.)

Rulings:

1. Full Ṣalāh is made in a journey which is less than 48 miles.
2. If, after reaching the destination at the end of the journey, one intends to stay there for less than fifteen days, rules relating to 'journey' will continue to apply to him, that is, the obligatory four *Raka'āt* of Ṣalāh will be reduced to half. This is *Qaṣr*. Now, if one intends to stay at one place for fifteen days, or more, it will become his place or country of residence. Here too, *Qaṣr* will not be observed as it was not observed in his original home country, that is, full Ṣalāh will be performed.
3. *Qaṣr* is done in the *Fard* (obligatory) Ṣalāh of Zuhr, 'Aṣr and 'Ishā only. There is no *Qaṣr* in Maghrib and Fajr, nor in Sunnah and *Witr* prayers.
5. If, there be no fear of possible danger during a journey, *Qaṣr* will still be observed in making Ṣalāh.
6. Some people are troubled by apprehensions of sin when making their Ṣalāh short (*Qaṣr*) in place of the regular full Ṣalāh. This is not correct because *Qaṣr* is also a rule of the Shari'ah following which brings no sin. On the contrary, it brings reward.
7. Verse 102 mentions a special way of offering Ṣalāh in a state where, due to the fear of enemy, all the Muslims cannot pray in a

single congregation. This special way is called '*Ṣalāṭul-Khawf*', the details of which are found in the books of Islamic *Fiqh*. Verse 102 says: وَإِذَا كُنْتَ فِيهِمْ فَأَقَمْتَ لَهُمُ الصَّلَاةَ (And when you {O prophet} are among them and arrange for them the Ṣalāh). Let this not be construed to mean that the injunction of the Ṣalāh of Fear (*Ṣalāṭul-Khawf*) is no more imperative because the blessed person of the noble Prophet صلى الله عليه وسلم is no more present among us. The reason is that this restriction has been mentioned here in terms of the situation at that particular time, for there can be no *sans-excuse* Imām of Ṣalāh in the presence of the Prophet. After him, whoever is the Imām shall be deemed to be standing in his place and he will be the one to lead the *Ṣalāṭul-Khawf*. All leading religious authorities agree that the injunction of *Ṣalāṭul-Khawf* is operative even after him and has not been abrogated.

8. Just as making *Ṣalāṭul-Khawf* is permissible when in fear of hostility from human beings, so it is when one is gripped with the fear of hurt from some beast like a lion or python and there is very little time left to make the Ṣalāh.

9. In this verse (102), mention has been made of both groups making one *Raka'ah* each, but the method of performing the second *Raka'ah* has appeared in Ḥadīth which says: 'When the Holy Prophet صلى الله عليه وسلم turned for *Salām* after the completion of his two *Raka'āt*, the two groups went on to complete their one *Raka'ah* each on their own'. More details can be seen there.

Verses 105 - 113

إِنَّا أَنْزَلْنَاهُ إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ
 اللَّهُ وَلَا تَكُنْ لِلْخَائِنِينَ خَصِيمًا ﴿١٠٥﴾ وَاسْتَغْفِرِ اللَّهَ إِنَّ
 اللَّهَ كَانَ غَفُورًا رَحِيمًا ﴿١٠٦﴾ وَلَا تُجَادِلْ عَنِ الَّذِينَ يَخْتَانُونَ
 أَنْفُسَهُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ خَوَاتًا أَثِيمًا ﴿١٠٧﴾
 يَسْتَخْفُونَ مِنَ النَّاسِ وَلَا يَسْتَخْفُونَ مِنَ اللَّهِ وَهُوَ مَعَهُمْ إِذْ
 يُبَيِّنُونَ مَا لَا يَرْضَى مِنَ الْقَوْلِ وَكَانَ اللَّهُ بِمَا يَعْمَلُونَ
 مُحِيطًا ﴿١٠٨﴾ هَآؤُلَآءِ جَادَلْتُمْ عَنْهُمْ فِي الْحَيَاةِ الدُّنْيَا

فَمَنْ يُجَادِلِ اللَّهَ عَنْهُمْ يَوْمَ الْقِيَمَةِ أَمْ مَنِ يَكُونُ عَلَيْهِمْ
وَكَيْلًا ﴿١٠٩﴾ وَمَنْ يَعْمَلْ سُوءًا أَوْ يَظْلِمْ نَفْسَهُ ثُمَّ يَسْتَغْفِرِ
اللَّهُ يَجِدِ اللَّهَ غَفُورًا رَحِيمًا ﴿١١٠﴾ وَمَنْ يَكْسِبْ إِثْمًا فَإِنَّمَا
يَكْسِبُهُ عَلَى نَفْسِهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا ﴿١١١﴾ وَمَنْ
يَكْسِبْ خَطِيئَةً أَوْ إِثْمًا ثُمَّ يَرْمِ بِهِ بَرِيئًا فَقَدِ احْتَمَلَ بُهْتَانًا
وَإِثْمًا مُبِينًا ﴿١١٢﴾ وَلَوْ لَا فَضْلُ اللَّهِ عَلَيْكَ وَرَحْمَتُهُ لَهَمَّتْ
طَائِفَةٌ مِنْهُمْ أَنْ يُضِلُّوكَ وَمَا يُضِلُّونَ إِلَّا أَنْفُسَهُمْ وَمَا
يَضُرُّونَكَ مِنْ شَيْءٍ وَأَنْزَلَ اللَّهُ عَلَيْكَ الْكِتَابَ وَالْحِكْمَةَ
وَعَلَّمَكَ مَا لَمْ تَكُنْ تَعْلَمُ وَكَانَ فَضْلُ اللَّهِ عَلَيْكَ
عَظِيمًا ﴿١١٣﴾

Surely, We have revealed to you the Book with the truth so that you may judge between people with the insight Allah has given to you. And do not be an advocate for those who breach trust. [105] And seek forgiveness from Allah. Surely, Allah is All-Forgiving, Very-Merciful. [106]

And do not argue on behalf of those who betray themselves. Surely, Allah does not like anyone who is a sinful betrayer. [107] They hide from people but do not hide from Allah. And He is with them when they make plans to say what He does not approve. And Allah encompasses whatever they do. [108] Look, this is what you are -- you have argued for them in the worldly life but who shall argue for them with Allah on Doomsday, or who shall be their defender? [109]

And whoever acts evil or wrongs himself, then seeks forgiveness from Allah, shall find Allah Most-Forgiving, Very-Merciful. [110]

And whoever commits a sin, commits it only against himself. And Allah is All-Knowing, All-Wise. [111]

And whoever commits a vice or a sin, then shifts its blame to an innocent person, he indeed takes the

burden of a false imputation and a glaring sin. [112]

And if the grace of Allah and His mercy were not with you, a group from them had resolved to mislead you. And they mislead none but themselves. And they can do you no harm. And Allah has revealed to you the Book and the wisdom and has taught you what you did not know. And the grace of Allah on you has always been great. [113]

Sequence

While discussing the matters relating to the open disbelievers, the Holy Qur'ān has, in some places in the previous verses, referred to the hypocrites and has pointed out that *Kufr* or disbelief was the common denominator between them. Further on, a particular episode relating to some hypocrites finds mention in the present verses, details of which are being given below.

The background of these verses

The nine verses (105-113) cited above refer to a particular episode. But, very much in accordance with the characteristic style of the Qur'ān, the instructions given in this connection are not peculiar to this episode. They are, rather, a set of basic principles and rules commonly beneficial for all Muslims whether of a given time or of future generations.

Let us go to the event first, then consider the wisdom of related instructions which provide solutions to corresponding problems. The episode centres around the clan of Banū Ubayriq in Madīnah. A man from this clan - his name being Bashir as in the narration of Tirmidhī and Ḥakīm, or Tu'mah as in the narration of al-Baghawī and Ibn Jarīr - broke into the house of Sayyidnā Rifā'ah, the uncle of Sayyidnā Qatādah ibn al-Nu'mān, and committed a theft.

In the narration of Tirmidhī, it is also mentioned that this man was, in reality, a hypocrite. He used to live in Madīnah yet was audacious enough to compose poetic satires insulting the noble Companions رضي الله عنهم, and used to publicise these in the name of others while keeping his identity concealed.

As for the actual theft it was committed during the early period of Hijrah when Muslims generally lived under straightened circum-

stances facing all sorts of need, hunger and deprivation. The common food they ate was bread from barley flour or dates, or wheat flour which was scarce and just not available in Madīnah. Once in a while, when it did come from Syria some people would buy it for guests or for some other special need. Thus, Sayyidnā Rifa'ah bought some wheat flour for himself, put it in a bag, added some arms on top of it and stashed the bag in a small roomette of the house in all possible safety. But, this man - Ibn Ubayriq, Bashīr or Tu'mah - somehow came to know, broke into the house and decamped with the bag. When Sayyidnā Rifa'ah discovered the theft in the morning, he went to his nephew, Qatādah and told him about it. Together they went out investigating in the locality. Some people said that they had seen the light of fire coming from the Banū Ubayriq house last night and that probably they were cooking what was stolen. When Banū Ubayriq learnt about their secret being out, they themselves came there and charged that the theft was committed by Labīd ibn Sahl. Labid was well-known as a sincere and pious Muslim. When Labid himself came to know about this allegation, he came out of his house, sword in hand, saying: You are blaming me for this theft, now I am not going to put my sword back into the sheath, until the truth of this theft becomes clear.

Quietly, Banū Ubayriq confided to him: Do not worry. Nobody is blaming you. Moreover, this is not the sort of thing you would do. At this point, the narration in al-Baghawī and Ibn Jarīr says that Banū Ubayriq charged a Jew with the theft and, very cleverly, made a track of seemingly falling flour from a slit in the bag, which was their own work, all the way from Rifa'ah's house to the house of the Jew. When the traces of the flour were discovered and word went around, they carried the stolen arms and armours as well to the same Jew and left these with him for safe keeping. Following investigations, they were recovered from his house. The Jew declared on oath that these were given to him by Ibn Ubayriq.

In order to bring the two narrations of Tirmidhī and al-Baghawī into harmony, it can be said that may be Banū Ubayriq had first charged Labīd ibn Sahl with the theft, but once they realized that their ruse was not working, they targeted the Jew with the blame. Ultimately then, the case now rested between the Jew and Banū Ubayriq.

On the other side, Sayyidnā Qatādah and Rifā'ah were overwhelmingly convinced on the basis of circumstantial evidence that this was the work of Banū Ubayriq. Sayyidnā Qatādah went to the Holy Prophet صلى الله عليه وسلم and told him about the theft and also told him that he strongly suspected Banū Ubayriq. When Banū Ubayriq heard the news, they came to the Holy Prophet صلى الله عليه وسلم and complained against Sayyidnā Qatādah and Rifā'ah that they were putting the blame for the theft on them without having any valid legal proof and despite the fact that the stolen property was recovered from the house of the Jew. They appealed to the Holy Prophet صلى الله عليه وسلم to restrain Sayyidnā Qatādah and Rifā'ah from blaming them for the theft and if they had to sue anyone, they should sue the Jew.

Things as they appeared on the outside made even the Holy Prophet صلى الله عليه وسلم incline towards the probability that the theft was committed by the Jew and that the accusation against Banū Ubayriq was not correct. So much so that, according to the narration of al-Baghawī, the Holy Prophet صلى الله عليه وسلم had the intention of inflicting the punishment for theft on the Jew and sever his hand.

Matters went worse when Sayyidnā Qatādah appeared before the Holy Prophet صلى الله عليه وسلم who admonished him by saying that he was accusing a Muslim family of theft without any proof. Sayyidnā Qatādah was grieved about the whole thing and wished that he had not spoken to the Holy Prophet صلى الله عليه وسلم about this matter even if he had to bear by the loss of his property. Similarly, when Sayyidnā Rifā'ah learnt about what the Holy Prophet صلى الله عليه وسلم had said, he too exercised patience and said: والله المستعان (And Allah is the one from whom all help is sought).

Not much time had passed when a whole section of the Qur'ān was revealed about this episode through which the reality behind it was shown to the Holy Prophet صلى الله عليه وسلم and general instructions covering such cases were given. As the Holy Qur'ān exposed the theft committed by Banū Ubayriq and acquitted the Jew. Banū Ubayriq were left with no choice but to return the stolen property to the Holy Prophet صلى الله عليه وسلم who had it returned to the owner, Sayyidnā Rifā'ah, who finally endowed all those arms for use in Jihād. When Banū Ubayriq found their theft exposed, Bashīr, the son of Ubayriq

ran away from Madīnah landing in Makkah where he joined the disbelievers. Consequently, if he had been a hypocrite earlier, he became an acknowledged disbeliever; and, if he was a Muslim earlier, he was an apostate now.

It appears in Tafsīr al-Bahr al-Muḥīṭ that the curse of his antagonism to Allah and His Messenger did not allow Bashīr ibn Ubayriq to live peacefully even in Makkah. When the woman at whose house he had taken up residence found out about this episode, she threw him out of her house. Thus, loitering on the streets came the day when he broke into somebody else's house. The wall through which he went in collapsed on him and killed him right there.

These are the details of the episode. Let us now give some thought to what has been said in the Qur'ān:

After telling the Holy Prophet صلى الله عليه وسلم the reality behind the case of theft, in the first verse (105), it was said: Allah has given you the Qur'ān through revelations so that you can use the knowledge and insight gifted to you to decide matters accordingly, abstaining from taking sides with traitors, that is, Banū Ubayriq. No doubt, the obvious circumstances and evidences were such that a tilt towards the probability of the Jew having committed the theft was not a sin, yet contrary to the actual fact it was. Therefore, in the second verse (106), the Holy Prophet صلى الله عليه وسلم was asked to seek forgiveness from Allah because the station of prophets عليهم السلام is very high and Allah does not favour the issuance of even something so insignificant from them.

In the third verse (107), it has been emphatically asserted once again that the Messenger of Allah should not defend those who are disloyal and treacherous, for Allah does not like them.

The fourth verse (108) describes the condition of people who betray trust and act treacherously. It is strange that these people feel shy before other people like them and conceal their theft from them while they do not feel shy before Allah who is with them all the time and watches over everything they do, specially the occasion when they mutually conspired to put the blame on the Jew, went to the Holy Prophet صلى الله عليه وسلم, complained against Rifā'ah and Qatādah,

charged them of false accusation and appealed to the Holy Prophet ﷺ for support against the Jew.

The fifth verse (109) gives a strict warning to the supporters of Banū Ubayriq telling them that their support given to betrayers of trust in the mortal world does not end at that. There will be the Day of Doom when their case will come before Almighty Allah. Who will lend support to them at that time? The verse serves two purposes. It admonishes them, then reminds them of the hazards of the Hereafter persuading them thereby to repent and turn to Allah.

In the sixth verse (110), we can once again see the wise way of the Qur'ān at work when, in order to save sinners from total disappointment, it was said that a sin was a sin, big or small. When a sinner repents and seeks Allah's forgiveness, he finds Him forgiving, merciful. As obvious, there is an element of persuasion for those who have committed sin suggesting that they still had the time and the hope to just desist and repent sincerely; nothing is lost, Allah will forgive everything.

In the event that these people choose not to repent despite the option given to them, the seventh verse (111) carries the assurance that this action of theirs brings no harm to Almighty Allah or His Messenger or to Muslims. The sad nemesis of a person's evil deed shall be faced by the person himself.

In the eight verse (112), a general rule of conduct has been set forth. It stipulates that anyone who himself commits a crime, then goes on to put the blame on some innocent person (as in the episode cited above where the theft was committed by Banū Ubayriq themselves and they went on to put the blame on Sayyidnā Labid or the Jew) has done something grave by levelling a false accusation of great magnitude against an innocent person plus an open sin weighing heavy on one's shoulders.

Addressing the Holy Prophet صلى الله عليه وسلم in the ninth verse (113), it has been said: It was Allah's grace and mercy that He revealed to you the reality behind the event of theft, otherwise these people would have misled you into error. But, since you are not alone, Allah's grace and mercy is with you, these people can never mislead you into error.

On the contrary, they themselves fall into error. Be sure that these people cannot harm you in any way whatsoever because Allah has revealed the Book and wisdom to you and taught you what you did not know.

The Holy Prophet صلى الله عليه وسلم and *Ijtihād*

From verse 105 which begins with the words: **إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ** (Surely we have revealed to you the book with the truth) helps establish five rulings:

1. The Holy Prophet صلى الله عليه وسلم had the right to arrive at his judgement in situations not covered by an explicit authority given in the Holy Qur'an. In situations of major importance, there were many decisions he took by his *Ijtihād*.

2. The second rule that emerges from here is inseparably linked with the authenticity of *Ijtihād*. It means that, in the sight of Allah, an *Ijtihād* can be considered trustworthy only when it is based on and is deduced from Qur'anic principles and the clear authority of its text. Simple opinions or views are not trustworthy, nor can they be termed as *Ijtihād* in the sense recognized in Shari'ah.

3. The third rule of guidance we get to know is that the *Ijtihād* done by the Holy Prophet صلى الله عليه وسلم was not like that done by *Mujtahid* Imāms where the probability of an error of judgement always remains. As for the Holy Prophet صلى الله عليه وسلم, when he took a decision on the basis of his *Ijtihād* any possible error in the judgment would always stand corrected by Allah Almighty. Therefore, when he took a decision based on his *Ijtihād* and nothing against it came from Almighty Allah, then, this was an indicator that the decision taken finds favour with Allah and is correct in His sight.

4. The fourth rule of guidance we come to know is: What the Holy Prophet صلى الله عليه وسلم understood from the Qur'an was nothing but what Almighty Allah had Himself made him understand. A possibility of misunderstanding just did not exist there. This is contrary to the case of other 'Ulama and *Mujtahidīn* whose understanding of the Qur'an cannot be attributed to Almighty Allah in the sense that it was what Allah had told them. You will realize the difference when you carefully look at **بِمَا آتَاكَ اللَّهُ** (with the insight Allah has given to you)

which refers to the noble Prophet صلى الله عليه وسلم in this very verse. This is why - when someone said to Sayyidnā 'Umar: **فَاَحْكُمْ بِمَا أَرَاكَ اللَّهُ** (Decide as Allah shows you to) - he scolded him by saying: 'This is special to the Prophet of Allah صلى الله عليه وسلم'.

5. The fifth ruling we deduce from here is that pursuing or advocating a false case or a false claim or to second or support them is totally *ḥarām* (forbidden).

The Reality of Repentance

Verse 110 which begins with the words: **وَمَنْ يَعْمَلْ سُوءًا أَوْ يَظْلِمْ نَفْسَهُ** tells us that all sins, whether they affect others or affect one's own self, that is, whether they violate the rights of human beings (*Ḥuququl-'Ibād*) or rights of Allah (*Ḥuququllāh*), can be forgiven by one's repenting and praying for forgiveness. But, it is necessary to know the reality of showing repentance and seeking forgiveness. Mere verbal declarations of 'I seek Allah's forgiveness' (*Astaghfirullāh*) and 'I turn to Him in repentance' (*Wa atubu ilaihi*) are not acts of genuine repentance as such. Therefore, according to a consensus of 'Ulama, the person who is involved in some sin, is not ashamed of it and does not leave it or, at least, does not resolve to leave it in the future, then, his verbal declaration of *Astaghfirullāh* is an open mockery of repentance.

In short, for repentance (*Taubah*) to be genuine, three things are necessary:

1. Being ashamed of past sins.
2. Immediately leaving the sin one is in.
3. Resolving to stay away from sin in future.

However, forgiveness for sins related to the rights of the servants of Allah has to be sought from the wronged party itself; or, one should, to begin with, pay what was due or fulfill what was denied. These are binding conditions of genuine repentance.

Attributing one's sins to others brings added punishment

From verse 112 - **وَمَنْ يَكْسِبْ خَطِيئَةً أَوْ إِثْمًا ثُمَّ يَرْمِ بِهِ الْغَيْرَ** - we know that a person who himself commits a sin, then goes on to ascribe it to an innocent man, does something terrible - he doubles and hardens his sin. He has made himself deserving of severe punishment, the punishment of his

own sin, then the added punishment for lying and accusing falsely.

The Reality of Qur'ān and Sunnah

In verse 113: وَأَنْزَلَ اللَّهُ عَلَيْكَ الْكِتَابَ وَالْحِكْمَةَ وَعَلَّمَكَ مَا لَمْ تَكُنْ تَعْلَمُ (And Allah has revealed to you the Book and the wisdom and has taught you what you did not know), by pairing *al-Kitāb* (the Book) and *al-Hikmah* (the Wisdom) it has been pointed out that *Hikmah* which is the name of the Sunnah and teachings of the noble Prophet صلى الله عليه وسلم was also sent down by none but Allah Almighty. The difference is that its words are not from Allah and that is why they are not part of the Qur'ān. But, its meanings and that of the Qur'ān are certainly from Allah, therefore, it is obligatory to act in accordance with both.

This explains what some jurists say about *Wahy* (Revelation) being of two kinds: *Matluww* - that which is recited, and *Ghayr-Matluww* - that which is not recited. *Wahy Matluww* or the revelation which is recited is the name of the Qur'ān - the words and meanings of which are both from Allah. And *Ghayr-Matluww* or that which is not recited is the name of the *Hadīth* of the *Rasūl* the words of which are from the Holy Prophet صلى الله عليه وسلم and the meanings of which are from Allah.

Another problem which gets resolved from the words: وَعَلَّمَكَ مَا لَمْ تَكُنْ تَعْلَمُ (and taught you what you did not know) (113) is that the noble Prophet صلى الله عليه وسلم did not have the all-comprehending knowledge of the entire universe equal to Almighty Allah, as some ignorant people do insist. The truth is that the measure of his knowledge was corresponding to what Allah bestowed upon him. However, there is no doubt that the knowledge bestowed upon the Holy Prophet ﷺ exceeds the combined knowledge of all created beings.

Verses 114-115

لَا خَيْرَ فِي كَثِيرٍ مِّنْ نُّجُوهُمْ إِلَّا مَنَ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ
أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ وَمَن يَفْعَلْ ذَلِكَ ابْتِغَاءَ مَرْضَاتِ اللَّهِ
فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا ﴿١١٤﴾ وَمَن يُشَاقِقِ الرَّسُولَ مِن
بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ
مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۖ وَسَاءَتْ مَصِيرًا ﴿١١٥﴾

There is no good in most of their whisperings unless one bids charity or a fair action or a reconciliation between people. And to one who does this to seek the pleasure of Allah, We shall give a great reward. [114] And whoever breaks away with the Messenger after the right path has become clear to him and follows what is not the way of the believers, We shall let him have what he chose, and We shall admit him to Jahannam. And it is an evil place to return. [115]

Sequence

Moving from the episode of theft and the conspiracies made to cover up the crime by false accusations against others, the text now highlights positive things that can be done through mutual consultation and which could help one to remain obedient to the Messenger's teachings and the command of Allah without ever trying to go against the ideal path taken by those who believe in Allah and His Messenger.

Commentary

In the first part of the verse (114): لَا خَيْرَ فِي كَثِيرٍ مِّنْ نَّجْوَاهُمْ translated as 'there is no good in most of their whisperings..', it has been declared that most talks people hold and plans they make to ensure transitory worldly gains, while unmindful of the concerns of their life-to-come, are devoid of good.

The second part: إِلَّا مَنَ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ means that real good can come forth from mutual consultations only when people persuade each other to take part in charitable activities or ask people to do what is good and right or tell them to make peace between one another. It is said in a ḥadīth that anything one says is harmful for him in one way or the other unless, of course, the subject of his utterance is the remembrance of Allah or that he is bidding the Fair and forbidding the Unfair.

Bidding the Fair stands for *Amr bi al-Ma'rūf* which refers to every action considered good in the Shari'ah and is patently recognized as such by those who know it. In contrast, there is the forbidding of the Unfair which stands for *Nahy 'an al-Munkar* which refers to every action considered undesirable in the Shari'ah and is squarely unrecognized and unfamiliar to those who know it.

Bidding the Fair includes all imperatives and motivations through

which people are led to do what is good and right. Things like helping the oppressed, assisting the needy with loans, guiding the lost, all fall under this broad category. Though, charity and reconciliation between people are also part of this definition, but they have been taken up separately because their benefit reaches from one to another and improves the collective life of a community.

In addition to that, these two fields of activity cover what is most essential about public service. They seek to bring benefit to Allah's creation and they protect people against pain and loss. Charity spreads out benefits to people and reconciliation between them stops mutual pain and loss. Therefore, according to a consensus of the scholars of *Tafsīr*, the word *Ṣadaqah* (charity) used here carries a general sense which includes the obligatory *zakaḥ*, voluntary charities and everything done to bring benefit to someone.

The Graces of Making Peace

The Holy Prophet صلى الله عليه وسلم has spoken highly about the merit of removing mutual bickerings among people and of bringing them to understand, accommodate and cooperate with each other. He said:

"Shall I not tell you about an act which is far superior in rank to fasting, prayers and charity? The Companions submitted, 'Please do.' He, then, said: "That act is the removal of discord. That is, to remove bickering between two persons, make peace between them and thus eliminate discord."

He has also said: *فساد ذات البين هي الحائقة* "Mutual discord among people is what really shaves." Then, he explained it by saying: "This discord does not shave the head, but it shaves off one's faith."

In the concluding part of the verse (114), there appears a significant reminder that these good deeds to bid charity and fair action or a reconciliation among people can only be worthwhile and acceptable when they are undertaken sincerely, and exclusively for the pleasure of Allah, without any traces of personal or material interest.

The Consensus of the Community is a Valid Religious Authority

Two things have been identified as a great crime and as a cause of one's consignment to Hell in verse 115: *وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ* (And whoever breaks away with the Messenger after the right path has

become clear to him...). The first is opposing the Messenger of Allah. Obviously, doing so is *Kufr* (disbelief, infidelity) and a terrible curse. The second crime relates to a violation of universal Muslim consensus. It means the abandoning of something which has the universal agreement of all Muslims and opting for some other way against them. This explains that the consensus of the Muslim community has valid religious authority. In other words, we know that following the injunctions given in the Qur'an and Sunnah is obligatory. Similarly, when the Muslim *Ummah* (Community) agrees about something universally, following its consensus becomes equally obligatory. Any opposition to this consensus is a grave sin as was said by the Holy Prophet ﷺ in a hadīth:

يَدُ اللَّهِ عَلَى الْجَمَاعَةِ، مَنْ شَذَّ شَذَّ فِي النَّارِ

That is, the hand of Allah is on the Muslim community. Whoever breaks away or separates himself from it will himself be separated for consignment to Hell.

Imām al-Shafi'ī was asked: 'Can the validity of the authority of the Consensus of Muslim Ummah be proved from the Holy Qur'an?' He devoted to the recitation of the Qur'an full three days, completing three recitals each during the day and night. Finally, the proof that he came up with was this verse. When he cited it before scholars, they all agreed: This proof is sufficient to confirm the authority of 'Ijmā', the Consensus of Muslim Community.

Verses 116-121

إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ
وَمَنْ يُشْرِكْ بِاللَّهِ فَقَدْ ضَلَّ ضَلَالًا بَعِيدًا ﴿١١٦﴾ إِنْ يَدْعُونَ مِنْ
دُونِهِ إِلَّا إِنشَاءً وَإِنْ يَدْعُونَ إِلَّا شَيْطَانًا مَرِيدًا ﴿١١٧﴾ لَعَنَهُ اللَّهُ
وَقَالَ لَا تَخِذْنِ مِنْ عِبَادِكَ نَصِيبًا مَفْرُوضًا ﴿١١٨﴾ وَلَا ضَلَّتْهُمْ
وَلَا مَنِينَهُمْ وَلَا مَرْتَهُمْ فَلْيَبْتَئِكُنْ إِذَا نِ الْإِنْعَامِ وَلَا مَرْتَهُمْ
فَلْيَغْفِرُونَ خَلَقَ اللَّهُ وَمَنْ يَتَّخِذِ الشَّيْطَانَ وَلِيًّا مِّنْ دُونِ اللَّهِ
فَقَدْ خَسِرَ خُسْرَانًا مُّبِينًا ﴿١١٩﴾ يَعِدُهُمْ وَيُمَنِّيهِمْ وَمَا يَعِدُهُمْ

الشَّيْطَانُ إِلَّا غُرُورًا ﴿١٢٠﴾ أُولَٰئِكَ مَأْوَاهُمْ جَهَنَّمُ وَلَا يَجِدُونَ
عَنْهَا مَخْرَجًا ﴿١٢١﴾

Surely, Allah does not forgive the ascribing of a partner to Him and forgives anything short of that for whomsoever He wills. And whoever ascribes a partner to Allah has indeed gone far astray. [116] They invoke none, besides Him, but females; and they invoke none but Satan, the rebel [117] whom Allah has cursed. And he (the Satan) said, "For sure, I will take a set share from Your slaves, [118] and I will lead them astray and I will tempt them with false hopes and give them my order so they shall slit the ears of cattle and I will give them my order so they shall alter the creation of Allah. And whoever takes the Satan as friend instead of Allah has incurred an obvious loss. [119] He (the Satan) makes promises to them and he tempts them with hopes. And the Satan does not make a promise to them but to deceive. [120] As for such, their shelter is Jahannam and they shall find no escape from it. [121]

Sequence

Though, the mention of Jihād in preceding verses includes all forces hostile to Islam, yet the actual description was limited to Jews and the hypocrites. Out of the larger group of antagonists there were the pagans who were much more in numbers. The verses that follow take up their beliefs and point out to the punishment they will face. This has a coherence of its own at this place. It will be recalled that the thief mentioned earlier became an apostate. The lasting punishment he thus earned for himself becomes evident. (Bayān al-Qur'an)

Commentary

The first verse (116) إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ (Surely, Allah does not forgive the ascribing of a partner to Him and forgives anything short of that for whomsoever He wills ...) has appeared earlier (48) in Sūrah al-Nisā' in the same words except for the words at their ends. In verse 48 appearing earlier, the words at the end are: وَمَنْ يُشْرِكْ بِاللَّهِ فَقَدْ افْتَرَىٰ إِثْمًا عَظِيمًا (And whoever ascribes a partner to Allah has designed a great sin) while the words at the end of verse 116 before us are: وَمَنْ يُشْرِكْ بِاللَّهِ فَقَدْ ضَلَّ ضَلَالًا بَعِيدًا (And whoever ascribes a partner to Allah has indeed gone far astray). As explained by master exegetes, the

reason for this difference is that the addressees of the earlier verse (48) were the Jewish people of the Book who knew all about the truth of *Tauhid* (Allah's oneness), the falsity of *Shirk* (ascribing of a partner to Allah) and the veracity of the mission of the noble Prophet صلى الله عليه وسلم through the Torah. Despite that, they got involved in *Shirk*. Thus, through their own conduct, they pretended that it was the very teaching of the Torah which is total forgery and false accusation. That is why it was said: *فَقَدْ أَفْرَأَىٰ أَنَا عَظِيمًا* (... has designed a great sin) at the end of verse 48. As for the verse before us (116), the addressees were the pagans of Makkah who did not have the background of any Book or Prophet before that time, but the rational arguments in support of the Oneness of Allah were all too clear. Taking stones crafted with their own hands as their objects of worship was something ineffectual, false and erroneous even in the sight of someone with ordinary common-sense. Therefore, here it was said: *فَقَدْ ضَلَّ ضَلَالًا بَعِيدًا* (... has indeed gone far astray).

The eternal Punishment of *Shirk* and *Kufr*:

Some people express doubt at this point. They think that punishment should be proportionate to the deed. The crime of disbelieving and of ascribing partners to Allah committed by the *Kafir* and the *Mushrik* was committed within the limited time frame of a given life. Why would its punishment be limitless and permanent? The answer is that the doer of *Kufr* and *Shirk* simply does not regard what he does as crime. This is, on the contrary, taken as something good and proper, worth one's while. Therefore, his line of action is accompanied by his firm intention that he will always be like that. Now, if such a *Kafir* or *Mushrik* adheres to this position right through the last breath, he has committed a permanent crime to the extent of his choice and volition, therefore, the punishment for it has to be permanent.

Zulm:

There are three kinds of *Zulm* (injustice):

1. That which Allah will never forgive.
2. That which could be forgiven.
3. That which meets retribution from Allah.

The first kind of injustice is *Shirk*, the ascribing of a partner to Allah; the second kind of injustice is falling short in fulfilling the

rights of Allah, known as *Huqūqullāh*; and the third kind of injustice is the contravention of the rights of Allah's created beings against each other, known as *Huqūqul-'Tbād*. (Ibn Kathīr vide Musnad Bazar)

What is the reality of *Shirk*?

To consider any created being other than Allah equal to Allah in worship, or in love and reverence, is what *Shirk* really is. The Holy Qur'an has reported the words of the disbelievers they shall utter on arrival into the *Jahannam*:

تَاللّٰهِ اِنْ كُنَّا لَفِي ضَلٰلٍ مُّبِيْنٍ، اِذْ نُسَوِّكُمْ بِرَبِّ الْعٰلَمِيْنَ

By Allah, we were in obvious error when we had equated you with Allah, the Lord of all the worlds. (26:97,98)

It is evident that even the polytheists did not believe that the idols of their making were the Creator and the Master of the universe. It was, rather, under other erroneous assumptions that they had taken to regarding their idols equal to Allah in worship or in love and reverence. This was the *Shirk* which caused their being in *Jahannam* (Fath al-Mulhim).

In short, taking any created being as equal to Allah in His particular attributes - such as, the Creator, the Provider, the Absolute Master, the Knower of the Seen and the Unseen - is *Shirk*.

Verses 122-126

وَالَّذِيْنَ اٰمَنُوْا وَعَمِلُوا الصّٰلِحٰتِ سَنُدْخِلُهُمْ جَنَّٰتٍ تَجْرٰى مِنْ تَحْتِهَا الْاَنْهٰرُ خٰلِدِيْنَ فِيْهَا اَبَدًا وَعَدَ اللّٰهُ حَقًّا وَمَنْ اَصْدَقُ مِنَ اللّٰهِ قِيْلًا ﴿١٢٢﴾ لَيْسَ بِاٰمَانِيْكُمْ وَلَا اٰمَانِيْ اَهْلِ الْكِتٰبِ مَنْ يَّعْمَلْ سُوْٓءًا يُجْزَٓ بِهِۦ وَلَا يَجِدْ لَهُ مِنْ دُوْنِ اللّٰهِ وَلِيًّا وَلَا نَصِيْرًا ﴿١٢٣﴾ وَمَنْ يَّعْمَلْ مِنَ الصّٰلِحٰتِ مِنْ ذَكَرٍ اَوْ اُنْثٰى وَهُوَ مُؤْمِنٌ فَلَوْ تَاٰكَ يَدْخُلُوْنَ الْجَنَّةَ وَلَا يُظْلَمُوْنَ نَفْسًا ﴿١٢٤﴾ وَمَنْ اَحْسَنُ دِيْنًا مِّمَّنْ اَسْلَمَ وَجْهَهُ لِلّٰهِ وَهُوَ مُحْسِنٌ وَّاتَّبَعَ مِلَّةَ اِبْرٰهِيْمَ حَنِيفًا وَاَتَاخَذَ اللّٰهُ اِبْرٰهِيْمَ خَلِيْلًا ﴿١٢٥﴾ وَلِلّٰهِ مَا فِي

السَّمُوتِ وَمَا فِي الْأَرْضِ ۚ وَكَانَ اللَّهُ بِكُلِّ شَيْءٍ
مُّحِيطًا ﴿١٢٦﴾

And those who believe and do good deeds, them We shall admit to the gardens beneath which rivers flow. They shall live there for ever - a real promise from Allah. And who is more truthful than Allah in his word?

[122]

This is not (a matter of) your fancies or the fancies of the People of the Book. And whoever does evil shall be requited for it and shall find for himself, besides Allah neither friend nor helper. [123] And whoever, male or female, does good deeds and is a believer -- they shall enter Paradise and they shall not be wronged in the least. [124]

And who is better in Faith than one who has surrendered his self to Allah and is good in deeds, and has followed the creed of Ibrāhīm, the upright. And Allah has made Ibrāhīm a friend. [125]

And to Allah belongs what is in the heavens and what is in the earth. And to everything Allah is encompassing. [126]

Commentary

A dialogue between Muslims and the People of the Book contending for glory against each other

Verse 123 which begins with the words: **لَيْسَ بِأَمَانَتِكُمْ وَلَا أَمَانَتِي أَهْلِ الْكِتَابِ** : 'This is not (a matter of) your fancies or the fancies of the People of the Book...', is about a cross talk between Muslims and the People of the Book. It is followed by a wise and judicious ruling on the confronting claims aimed at bringing the contestants to the right path. Finally, given here is a standard measure of determining as to who is superior and acceptable in the sight of Allah, a standard which, if observed carefully, would not let any human being fall into error or go astray.

According to Sayyidnā Qatādah, once it so happened that some Muslims and the People of the Book started talking to each other in a vainglorious strain. The People of the Book said that they were superior to Muslims because their Prophet came before the Prophet of

Islam and that their Book appeared before the Qur'an of Muslims did. The Muslims countered by saying that they were superior to all of them for their Prophet was the Last of the Prophets and their Book was the Last of the Books which has abrogated all previous Books. Thereupon, the verse cited above was revealed. It means that such self-glorification and self-congratulation does not behove anyone for nobody becomes superior to anybody simply on the basis of conjectures, fancies and claims. Instead, everything depends on deeds. No matter how noble and superior one's Prophet and Book may be, it is the deed of the adherent which will count. If he acts evil, he will receive the kind of punishment from which he can never hope to be rescued by anyone.

When this verse was revealed, the noble Companions were acutely disturbed. Imām Muslim, al-Tirmidhī, al-Nasā'ī and Aḥmad رحمه الله have reported a narration from Sayyidnā Abū Hurairah in which he said: When this verse was revealed مَنْ يَعْْمَلْ سُوءًا يُجْزَ بِهِ "And whoever does evil shall be requited for it", we were deeply grieved and concerned. We submitted to the Holy Prophet صلى الله عليه وسلم : 'This verse leaves nothing out - the minutest of evil found in our deeds shall be requited!' The Holy Prophet صلى الله عليه وسلم said: 'Do not worry. Keep doing what you can to the best of your ability for (the punishment mentioned here does not necessarily have to be that of Hell, instead) whatever hardship or pain which afflicts you makes amends for your sins and requites your evil deeds, to the limit that even a thorn which pinches someone's foot becomes an expiation of some sin.'

There is another narration which says that any sorrow or pain or sickness or anxiety which afflicts a Muslim in the life of this world becomes an expiation of his or her sins.

According to a narration of Sayyidnā Abū Bakr رضى الله عنه as reported in Jami' al-Tirmidhī, Tafsīr Ibn Jarīr and elsewhere, when the Holy Prophet صلى الله عليه وسلم recited this verse: مَنْ يَعْْمَلْ سُوءًا يُجْزَ بِهِ (And whoever does evil shall be requited for it) to him, he felt as if his back was broken. When the noble Messenger of Allah noticed the reaction on him, he asked: 'What is the matter with you?' Thereupon, Sayyidnā Abū Bakr رضى الله عنه submitted: 'Yā Rasūlallah, there is hardly anyone among us who can claim to have done nothing bad in one's life. Now, if

every evil deed has to be requited, who can hope to go unscathed from among us?' He said: 'O Abū Bakr, you and your believing brothers need not worry about it because worldly hardships that you face shall make amends for your sins.'

As it appears in another narration, he said: 'O Abū Bakr, do you not get sick? Are you never tested by distress and sorrow?' Sayyidnā Abū Bakr said: 'No doubt, all this does happen.' Then, he said: 'There, this is the requital of whatever evil you may have done.'

In a ḥadīth appearing in Abū Dāwūd, Sayyidah 'Ā'ishah has been reported to have said: 'A discomfort faced by a servant of Allah in fever, or a pain that afflicts him in any other way, even the pinch of a thorn, all become an expiation of his or her sins, so much so that even the insignificant effort made by someone to look for something in one of his pockets and finding it in another comes to be an expiation of his sins.'

In short, this verse is a reminder to Muslims as well that they should not indulge in tall claims and wishful thinking. On the contrary, they should be concerned with what they actually do, for their success will not come solely on the basis of their formal adherence to a given Prophet and a Book. Instead, their real prosperity lies in making certain that their belief in them is correct and that they are particular about doing good deeds as enjoined. Verse 124 says: وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَبْرًا. It means a man or woman who does good deeds, subject to the condition that such deeds issue forth from true faith, shall certainly go to Paradise fully rewarded for all his or her deeds without being wronged in the least. The hint given here is that the People of the Book or other non-Muslims may also have some good deeds of their own, but, since their faith is not sound, therefore, those deeds of theirs are not acceptable. As for Muslims, since their faith is sound and their deeds too are good, therefore, they are the successful ones, and superior to others.

Acceptability in the sight of Allah: A Criterion

The fourth verse (125) lays down a criterion to help determine correctly as to who is acceptable in the sight of Allah, and who is not. This criterion has two components. Any shortfall in either of the two components makes all efforts go waste. A careful look will reveal that

all strayings into error and evil, wherever they may be in this wide world, are triggered because of a shortfall in one of these two components. Compare Muslims with non-Muslims. Or, compare the different sects, groups and parties within the Muslim community itself. You will come across the same two points of reference - any deviation from either is bound to land one in disgrace. The verse says:

وَمَنْ أَحْسَنُ دِينًا مِّمَّنْ أَسْلَمَ وَجْهَهُ لِلَّهِ وَهُوَ مُحْسِنٌ وَاتَّبَعَ مِلَّةَ إِبْرَاهِيمَ حَنِيفًا

And who is better in Faith than one who has surrendered his self to Allah and is good in deeds, and has followed the creed of Ibrahim, the upright... (125)

It means that there can be no way better than the way of the person who is an embodiment of two virtues:

1. Firstly, 'surrenders his or her self to Allah.' In other words, acts for the good pleasure of Allah with all sincerity at one's command without ever contaminating one's deeds with hypocritical or materialistic motives.

2. Secondly, 'and is good in deeds.' In other words, the way in which one acts should also be correct. According to the great commentator, Ibn Kathīr, the way in which one acts, the correct way, means that it will not be some self-invented way. On the contrary, this will have to be the unalloyed way of Islam as based on the injunctions of Almighty Allah and the teachings of His noble Messenger ﷺ.

Thus, we can see that there are two conditions for any deed to be acceptable in the sight of Almighty Allah. These are sincerity of intention and soundness of action, that is, being in accordance with the Sharī'ah and Sunnah. The first of the two conditions, *Ikhhlās* or sincerity, relates to the heart, the inner most human dimension. The second condition, the compatibility with Sharī'ah, relates to the human exterior. Whoever fulfills both these conditions finds his or her exterior and interior perfectly synchronized. But, the moment one of the two conditions is found missing, that which is done becomes imperfect and unsound. The loss of sincerity makes one a hypocrite in practice while the failure in following the Sharī'ah, the designated way, makes one go astray.

Nations go astray because they lack sincerity or do not act right.

The history of nations and faiths reveals that all deviant groups of peoples have either lacked sincerity or have not acted right. These very two groups have been indentified in Sūrah Al-Fātiḥah as those who have deviated from the straight path. Those referred to as **مُضْطَرِبِينَ** (who incurred {Your} wrath) are people who lack sincerity, and those called **ضَالِّينَ** (who have gone astray) are those who have not acted right. The first group is a victim of desires while the other, that of doubts.

Everyone generally understands the first condition, that is, the need for sincerity and the futility of acting without it. But, good conduct - that is, following the Shari'ah - is the condition even many Muslims ignore. They think a good deed is a good deed and could be done at one's choice although the Holy Qur'an and the Sunnah have made it perfectly clear that good conduct depends exclusively on the teachings of the Holy Prophet **صلى الله عليه وسلم** and on following the Sunnah, the example set by him. Doing less than that and doing more than that are both crimes. The way offering three *raka'at* of Zuh'r prayers instead of the prescribed four is a crime, so, offering five is also a crime and sin of the same nature. The rule is: The condition set forth by Almighty Allah and His Messenger **صلى الله عليه وسلم** for any act of worship is final. Any addition of conditions or restrictions from one's own side or taking to some form other than the one laid out by him are all impermissible and patently against the norms of good conduct, no matter how attractive they may appear to be on the surface. All new alterations (*Bid'at* and *Muḥdathat*) in the established religion which the Holy Prophet **صلى الله عليه وسلم** declared to be straying into error, and against which he left behind emphatic instructions for Muslims so that they can stay safe, are all of this nature. Ignorant people do this with 'sincerity' as an act of worship worthy of the reward and pleasure of Allah, but the deed of such a person goes waste or becomes even sinful in the light of the Shari'ah bequeathed by the noble Prophet **ﷺ**. It is for this reason that the Holy Qur'an has repeatedly stressed on good conduct, that is, on following the Sunnah. It appears in Sūrah al-Mulk: **يَبْلُوكُمْ أَيُّكُمْ أَحْسَنُ عَمَلًا** (So that He tests you as to who among you is good in deed - 67:2). It will be noticed that the words used here are: **أَحْسَنُ عَمَلًا**

(good in deed) and not أَكْثَرُ عَمَلًا (outnumbering in deeds). It shows that the text is not talking about the numerical abundance of deeds. It is, rather, pointing out to the doing of good deeds - and a good deed is nothing but what is done in accordance with the Sunnah of the Holy Prophet ﷺ.

This very concept of good conduct and the practical adherence to the Sunnah of the noble Prophet صلى الله عليه وسلم has been identified in another verse of the Holy Qur'an in the words وَمَنْ أَرَادَ الْآخِرَةَ وَسَعَىٰ لَهَا سَعْيَهَا (17:19) It means that Allah accepts the efforts and deeds of those who intend to have the good of the Hereafter, pure and unadulterated by any temporal considerations, and that they are making the needed effort, and that the effort they are making is proper as well, and the proper effort is exactly what has been explained to the community by the Holy Prophet صلى الله عليه وسلم through his word and deed. Any shift from this ideal of effort - whether increased or decreased - will not be accepted as the proper effort. Proper effort is nothing but what has been termed as good deed in the present verse.

Let us now recapitulate that the acceptance of any deed with Allah depends on the fulfillment of two conditions. These are sincerity and good deed. Good deed is another name of the act of following the Sunnah of the Holy Prophet صلى الله عليه وسلم. Therefore, everyone who intends to do a good deed with full sincerity must first find out how it was done by the noble Messenger of Allah and what instructions he has left behind for us in that connection. We must understand that any deed of ours which stands removed from the course set by our noble Prophet, known as his Sunnah, will stand unacceptable. Therefore, in all our deeds relating to *Ṣalāh*, *Ṣawm*, *Hajj*, *Zakāh*, *Ṣadaqāt*, *Khayrāt*, *Dhikr* of Allah, *Ṣalāh* (*durūd*) and *Salām*, it is necessary to keep in mind the way these were done by the Messenger of Allah ﷺ and how he told us to do them.

At the end of the verse (125), an example has been cited, the example of sincerity and good conduct set by Sayyidnā Ibrāhīm عليه السلام the following of which has been declared as mandatory. By saying: وَاتَّخَذَ اللَّهُ إِبْرَاهِيمَ خَلِيلًا (And Allah has made Ibrāhīm a friend), it has been hinted that this high station bestowed on Sayyidnā Ibrāhīm عليه السلام has good reason behind it for he was absolutely and superbly sincere and his

deed too was sound and correct with intimation from Allah.

Verses 127-130

وَيَسْتَفْتُونَكَ فِي النِّسَاءِ ۚ قُلِ اللَّهُ يُفْتِيكُمْ فِيهِنَّ وَمَا يُتْلَىٰ
عَلَيْكُمْ فِي الْكِتَابِ فِي يَتِمَّى النِّسَاءَ الَّتِي لَا تُوْتُونَهُنَّ مَا
كُتِبَ لَهُنَّ وَتَرْغَبُونَ أَنْ تَنْكِحُوهُنَّ وَالْمُسْتَضْعَفِينَ مِنَ
الْوِلْدَانِ ۖ وَأَنْ تَقُومُوا لِلْيَتَمَىٰ بِالْقِسْطِ ۚ وَمَا تَفْعَلُوا مِنْ خَيْرٍ
فَإِنَّ اللَّهَ كَانَ بِهِ عَلِيمًا ﴿١٢٧﴾ وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا
 نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا
صُلْحًا ۚ وَالصُّلْحُ خَيْرٌ ۚ وَأُحْضِرَتِ الْأَنفُسُ الشُّحَّ ۚ وَإِنْ
 تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ﴿١٢٨﴾ وَلَكِنْ
تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا
كُلَّ الْمِيلِ فَيَهِنُوا كَالْمُعَلَّقَةِ ۚ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ
كَانَ غَفُورًا رَحِيمًا ﴿١٢٩﴾ وَإِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كُلًّا مِّنْ
سَعْيِهِ ۚ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا ﴿١٣٠﴾

And they ask you about women. Say, "Allah answers you about them, and so does what is recited to you from the Book regarding orphaned women whom you do not give what is prescribed for them and tend to marry them,¹ and regarding the weak from the children and that you should maintain justice for the orphans. And whatever good you do Allah is aware of it. [127]

And if a woman fears ill treatment or aversion from her

1. The Qur'anic words *وَيَرْغَبُونَ أَنْ يَنْكِحُوهُنَّ* admit two possible translations: First, "and tend to marry them," which refers to the people who, attracted to the beauty of the orphan girls, used to marry them without giving them the due rights of a wife. The second possible translation is: "and you avoid marrying them". It refers to the people who did not marry the orphan girls because of their unattractive features, but at the same time did not let them marry others, because they wanted that their wealth should remain in their hands.

husband, then, there is no sin on them in entering into a compromise between them. And the compromise is better. And avarice is made to be present in human souls. And if you do good and fear Allah, then, Allah is all-aware of what you do. [128]

And you shall never be able to maintain real equality between wives, even though you are eager to. So, do not lean totally (towards one) and leave the other hanging. And if you mend and fear Allah, then, Allah is Most-Forgiving, Very-Merciful. [129]

And if they separate, Allah shall, through His capacity, make each of them need-free. And Allah is All-Embracing, All-Wise. [130]

At the beginning of this *Surah*, particular injunctions relating to orphans and women were mentioned. Also stressed there was the mandatory nature of the need to fulfill their rights. The reason was that, during the days of *Jāhiliyyah*, some people would simply refuse to give any part of the inheritance to them, others would unlawfully eat up what they got in inheritance or through any other alternate source, still others would marry them but avoided paying full dower they were entitled to; these were practices prohibited as stated earlier. This caused different situations to arise. There were those who thought that women and children are not entitled to inherit as a matter of right - may be, this injunction had come as an expedient measure for some people only and it was likely that it will be abrogated later. Some of them even waited for this to happen. But, when there was no abrogation, they decided among themselves that they should go directly to the Holy Prophet صلى الله عليه وسلم and ask him. This they did. According to Ibn Jarīr and Ibn al-Mundhir, this very question was the reason behind the revelation of this verse and the verses which followed carried additional rulings relating to women (*Bayān al-Qur'ān*).

Commentary

Some Qur'anic Instructions about Married Life

Verses 128-130 which begin with the words: وَإِنْ الْمَرْأَةُ خَافَتْ مِنْ بُرْءِهَا (And if a woman fears ill treatment or aversion from her husband ...) and end at وَإِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ (... All-Embracing, All-Wise) carry instructions about the painful and hard part of married life which is faced by every married

couple during one or the other stage of their long association. This is mutual displeasure and tension which, if allowed to prevail without being checked through proper control, does not only result in severe problems for the couple in their married lives but also, at times, carries the evil effects to families and tribes involving them in all sorts of mutual confrontation and even fighting and killing. The Glorious Qur'an has come to introduce a system of family life for man and woman both, keeping in view the whole range of their feelings. This system when followed will definitely make a home a paradise. Love and harmony will replace whatever bitterness there may be in the family. Just in case, inevitable circumstances bring the couple to the limit of separation, it would still be desirable to see that the parting of ways is done smoothly and painlessly. After that, when the relationship breaks, it is also necessary to watch that it leaves no emotional fallouts in the form of enmity, hostility, harm or hurt.

Out of these three verses, verse 128 is about circumstances under which relationship between a husband and wife becomes strained for reasons beyond their control. Both parties seem to be helpless in the matter. However, their mutual bitterness makes it likely that they will fail in fulfilling the rights they have on each other. For example, a husband does not have amorous feelings in his heart for his wife and she has no control over the means which could change his heart. She may be ugly or aged while the husband is handsome. Thus, it is obvious that the woman cannot be blamed in any way for what she is, nor can the man be censured for whatever he is.

Eventualities of this nature as part of the background in which the worse under reference was revealed, have been reported in Mazhari and elsewhere. Under such circumstances, as for men, the general rule given by the Holy Qur'an is: *فَأَمْسَاكُ يُعْزِزُ أَوْ تَسْرِيحُ بِإِحْسَانٍ* (2:229) that is, 'retain in an honourable manner or part amicably'. It means that if the intention is to continue living with one's wife, then, it is necessary to live with her amicably, fulfilling all rights due to her in the recognized manner. For anyone who finds himself incapable of doing so, it is proper to release her from the bond of marriage in a decent way. Now, if the woman too is willing to be released, the situation is open and clear as the parting of ways will come about in a pleasant manner.

But, should it be that the woman, under such conditions, is not willing to secure her release - whether in the interest of her children or because she has no other supporter - then, she is left with only one alternative: Get the husband to agree to some option. For example, the woman may surrender all or some of her rights while the husband takes it to be reasonable enough as it unburdens him of many claims against him with the advantage of having a wife in bonus. May be this arrangement makes peace prevail between them.

That such a compromise could be expected has been pointed out in this verse of the Holy Qur'an by saying: وَأُحْضِرَتِ الْأَنفُسُ الشُّحَّ (Avarice is made to be present in human souls). In such a compromise, the greed of the woman lies in her intense desire to protect the future of her children for she fears that her release from the husband will ruin it, or that her life elsewhere may come out to be more bitter. On the other side, the husband is tempted by what the woman does. He sees that she has forgiven her dower due on him fully or partly and that she has also stopped from claiming other rights as well. Why then, he may think, should it be at all difficult for him to get along with her? Thus, a mutual compromise would become easy.

Then, along with this, it was also said:

وَأِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا

"And if a woman fears ill treatment or aversion from her husband, then, there is no sin upon them in entering into a compromise between them."

Here, the expression *فَلَا جُنَاحَ عَلَيْهِمَا* (... there is no sin upon them ...) has been used to cover the nature of the deal which, on the surface, appears to be a sort of bribe where the husband has been tempted with the forgiveness of dower and other claims and the bond of marital life has been kept intact. But, this (sagacious) statement of the Qur'an has made it clear that this is not included under bribery. Instead, it is included under expediency in the sense of a wise consideration under complex circumstances when the parties involved surrender their initial claims and agree to some moderated mean. This is permissible.

The Interference of Others in a marital Dispute

According to al-Tafsīr al-Mazhārī, the words used in the Holy Qur'an at this place are: **أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا**. It means that the husband and wife should enter into a compromise in between them. Here, the word **بَيْنَهُمَا** (between the two of them) suggests that it is better if no third person interferes in husband-wife matters - let the two of them come to mutual compromise on some basis. This is because the injection of a third person may, at times, make the very compromise impossible. Even if such a compromise is reached, the weaknesses of the couple get exposed before a third person unnecessarily, staying safe against which is expedient for both parties.

Towards the end of this verse (128), it was said:

وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

"And if you do good and fear Allah, then, Allah is all-aware of what you do."

In the background of options given earlier, the husband did have the legal choice of releasing his wife on the basis of emotional incompatibility which made it difficult for him to fulfill her rights. Then, according to the first sentence of this verse, it is also permissible to enter into a compromise with one's wife when she offers to surrender some of her claims. Now, the last of the verse cited here brings forth a third option. The meaning of what has been said is: 'But, if you keep the fear of Allah in your heart and elect to be gracefully benign in your conduct and carry on accommodatingly with the relationship despite your emotional incompatibility and keep fulfilling her rights as due, then, this excellent conduct of yours is before Allah, the result of which is obvious. Almighty Allah will reward you for your forbearance and for the graces of your good deeds with blessings you can never imagine.' Perhaps, this is the reason why the text stops at: 'Allah is all-aware of what you do.' It does not spell out the return for the good deed. The hint thus given is that it will be far more than one can ever imagine.

A Summary of Comments made

When the husband, for some reason, feels emotionally estranged with his wife and realizes that his rights remain unfulfilled, he should

try to correct matters which fall within the range of what the wife can do. Such effort of correction can temporarily be expressed in the form of coldness, hard advice and even soft disciplining under circumstances of extreme compulsion as it has already appeared in the early verses of Sūrah al-Nisā'. If the husband loses hope in correction in spite of all his efforts, or there is something about it the correction of which is just not in the control of his wife, then comes the situation in which the law of Islam gives him the right to divorce and release his wife in a decent manner without any altercation. But, if he elects to go along with the relationship living under the same conditions while ignoring his rights and fulfilling hers in full, then, this conduct of his is highly meritorious and deserving of a great reward. In contrast, if the case is the other way around, that is, the husband does not fulfill the necessary rights of his wife for which reason the wife wishes to be released by him. Now, under this situation, if the husband is also willing to release her, the course is clear. The woman too has the right to react when the husband wishes to release her on the basis of non-fulfillment of his rights - she too has the right to opt for her freedom. In case, the husband is not ready to release her on his own, the wife has the right to reclaim her freedom through an Islamic court. But, if she braves through the cold and crooked ways of her husband with patience surrendering her claims to due rights, carries on living with him in a spirit of accommodation and keeps fulfilling his rights, then, this is highly meritorious for her and deserving of a great reward.

The Guideline in Essence

Thus, on the one hand, the Holy Qur'an gives to both parties the legal right to remove difficulties from their relationship and to receive their due right; while, on the other, by prompting both of them to demonstrate high morals and to be patient with the loss of their rights, the instruction given was that they should abstain from severing their relationship to the farthest limit of possibility. Both parties should bypass bits of their claims and come to a compromise on some mutually agreed formula.

Compromise: The Better Option

Initially, this verse simply mentions that compromise is permissible in the event of a husband-wife difference and towards the end of

the verse, the parties have been prompted to carry on with the relationship in the best spirit of patience and forbearance in the event that such a compromise does not materialize. In between, there appears a sentence which proves the desirability of compromise as the favoured choice. It was said: **وَالصُّلْحُ خَيْرٌ** (The compromise is better). The nature of the sentence is fairly general as stated. It certainly includes husband-wife disputes in the present context. However, it also includes all other kinds of family differences as well as all mutual disputes, altercations and litigations that come up in worldly life. This is because the words of the Holy Qur'ān are general - 'The compromise is better'.

Thus, the parties would fare better if they avoid being stubborn about the fulfillment of their demands in toto and elect to forgo some of these from each side and agree to a compromise on some middle ground. The Holy Prophet صلى الله عليه وسلم has said:

مُكَلِّ صُلْحٍ جَائِزٌ بَيْنَ الْمُسْلِمِينَ إِلَّا صُلْحًا أَحَلَّ حَرَامًا أَوْ حَرَّمَ حَلَالًا، وَالْمُسْلِمُونَ
عَلَى شُرُوطِهِمْ إِلَّا شَرْطًا حَرَّمَ حَلَالًا

"Every compromise is permissible between Muslims except a compromise in which something unlawful has been made lawful or something lawful has been made unlawful and Muslims must abide by accepted conditions except a condition in which something lawful has been made unlawful." (Narrated by Al-Hakim from Kathīr ibn 'Abdullāh, Tafsīr Mazharī)

For example, it is not permissible to enter into a compromise with one's wife on the condition that the husband will also marry her sister because Islamic law prohibits combining two sisters in the bond of marriage. This is *ḥarām* or unlawful. Or, the husband may wish to compromise on the condition that he will not fulfill the rights of the other wife for this amounts to turning something lawful into something unlawful.

Since, in the ḥadīth narration quoted above, every compromise has been declared as permissible in a general sense, Imām Abū Ḥanīfah has deduced from this statement the ruling that all kinds of compromises are permissible. They may be with an avowal, for example, the defendant's confession that he owes \$1,000 as claimed by the plaintiff following which a compromise may be arrived at either by the

surrender of a certain part of the total amount claimed by the plaintiff, or by his taking something in lieu of the claimed amount, or through a lack of avowal or disavowal by the defendant who may simply wish to reach a certain compromise no matter what the claim be in reality. Or, despite a disclaimer, the defendant may bring himself round to pay up some of the amount just to end the dispute and this very action may make the compromise possible. All these three kinds of compromise are permissible. However, in the eventuality of silence or denial, there does exist a difference among some jurists.

Finally, worth mentioning here is a problem which relates to the compromise between a married couple mentioned in this verse. If a woman makes a compromise by surrendering some of her rights, this compromise will totally eliminate the right of the woman the fulfillment of which stood incumbent on the husband at the time of the compromise. For example, the payment of the dower which was due to be paid by the husband before the compromise. So, when she makes a compromise by forgiving the whole or part of the dower, then, this dower or its part would stand devolved after which her right to claim it would lapse. But, the rights the fulfillment of which was just not obligatory on the husband at the time of the compromise - for example, the payment of expenses in the future or the right to privacy which would be applicable in the future - will not be, for all practical purposes, his responsibility to fulfill. If a compromise is reached on the basis of a surrender of these rights, the right of the woman to claim these does not devolve for ever. Instead, she can declare any time she so chooses that she is not willing to forgo the right in future. Under this situation, the husband will have the choice to release her. (Tafsir Mazhari etc.)

In the last verse (130) : **وَإِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كُلًّا مِّنْ سَعْيِهِ** (And if they separate, Allah shall, through His capacity, make each of them need-free), both parties have been comforted in case all efforts to put things right between them come to naught and they have to separate. This should be no cause for concern. Allah Almighty will make each of them free from needing the other. The woman will get another home, and a source of support, and the man will find another woman. The power of Allah is extensive. There is no reason to lose hope. Let each one of the

couple think of the life they had before getting married. They were two separate individuals who did not know each other as husband and wife. Almighty Allah made it possible for them to be united in marriage. The same thing can happen again.

By saying : وَكَانَ اللَّهُ وَاسِعًا عَظِيمًا (And Allah is All-Embracing, All-Wise) at the close of the verse, it has been confirmed that the dimensions of Allah's capacity are most extensive and everything that issues forth from Him is based on wisdom. It is quite possible that the very separation may be the most expedient solution of the problem. The post-separation period may bless them with mates that make their lives good to live.

No one is responsible for something beyond his control

In order to make married life pleasant and stable, the Holy Qur'an has given important instructions to both parties in these verses. Out of these, there is the verse: وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ (And you shall never be able to maintain real equality between wives ... -129) which carries a special instruction for both. At this point it will be recalled that the Holy Qur'an has already established in the beginning of Sūrah al-Nisā' that a man who holds more than one wife in the bond of marriage is duty-bound to maintain justice and equality among all wives, and that if one thinks that he would be unable to fulfill this obligation, he should not take more than one wife. It was said: فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً "But, if you fear that you will not maintain equity, then, (keep to) one woman (4:3)."

The Holy Prophet صلى الله عليه وسلم has, by his word and deed, declared that maintaining justice and equality among wives is a very emphatic injunction and he has given stern warnings to those who contravene it. Sayyidah 'Ā'ishah رضى الله عنها has said that the Holy Prophet ﷺ took great care in making perfectly sure that he treats his wives equally and justly. While he did so, he prayed to Allah:

اللَّهُمَّ هَذَا قَسَمِي فِيمَا أَمْلِكُ، فَلَا تَكْلِمْنِي فِيمَا تَمْلِكُ وَلَا أَمْلِكُ

O Allah, this equalization of mine is in what I have in my control, therefore, do not make me answerable for what is in Your control (that is, emotional inclination) and not in mine.

Who could be in control of his self more than the Holy Prophet ﷺ ?

Yet, the matter of emotional inclination was what he too ruled as something out of his control and prayed to Almighty Allah that he be excused on that count.

The veneer of the words in verse 3 of Sūrah al-Nisā' gave the impression that maintaining equity between wives was an absolute obligation which, obviously, includes equity in emotional inclination while this is something not in one's control. Therefore, in this verse of the Sūrah al-Nisā', the matter was clarified by saying that in things which one does not control, equality is not obligatory. However, equality shall be observed in matters within one's control, for example, equality in spending nights with them, their living standards and cost of maintenance. Allah Almighty has revealed this injunction in a way which compels a God-fearing person to put it into practice. It was said: *وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ. فَلَا يَمْلِكُ كُلُّ الْمَالِ أَنْ يَنْفَرِدَ بِمَا لَكُمْ* (And you shall never be able to maintain real equality between wives, even though you are eager to. So, do not lean totally (towards one) and leave the other hanging).

This leads us to realize that the inability to maintain equality pointed out in this verse actually refers to the equality in emotional inclination which is beyond human control. Then, the words of this verse: *فَلَا يَمْلِكُ كُلُّ الْمَالِ* (So, do not lean totally ...) themselves contain the justification of this sense. This is because the words mean: 'Even though maintaining equality in emotional inclination is not within your power, yet you should not lean totally towards one of your wives so much so that you start preferring her even in matters which lie within your power and control'.

Thus, this verse of Sūrah al-Nisā' (129) becomes a clarification of the earlier verse (3) of the same Sūrah which outwardly appeared to be suggesting that equality in emotional inclination too was obligatory. Now, this verse makes it precisely clear that this is not obligatory because it does not lie in one's power. Instead, what is obligatory is the equality in matters which do lie in one's power and discretion.

This verse cannot be used against polygamy

Incidentally, the details appearing above also serve to remove the misunderstanding of those who, by juxtaposing these two verses, wish to conclude that the verse appearing at the beginning of Sūrah al-Nisā'

(3) says: 'If you cannot maintain equality between wives, marry only one'; while, the other verse (129) says: 'Maintaining equality between two wives is just not possible'; therefore, the outcome is: The very keeping of two (or more) wives in the bond of marriage is impermissible as such!

Though surprising, Allah Almighty has Himself phrased these very two verses with the necessary material to remove this misunderstanding. The indication given in the present verses by the use of the words: *لَا تَتْلُوا كُلَّ النَّيْلِ* (So, do not lean totally) has appeared immediately before while the words used in verse 3 were: *فَإِنْ خِفْتُمْ أَلَّا يَعْدِلُوا فَوَاحِدَةً*: "But, if you fear that you will not maintain equity, then, (keep to) one woman." Here, in the later verse, saying: 'If you fear' as a condition openly indicates that maintaining justice and equality between wives is not beyond the realm of possibility or ability. Otherwise, there was no need for this extended word arrangement, more so, not to the limit of two full verses. For example, the verse which says: *حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَسْوَافُكُمْ* (Forbidden for you are your mothers and your daughters - 4:23) carries details pertaining to women marriage with whom is forbidden. Then, by saying: *وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ* (and that you combine two sisters in the bond of marriage - 4:23), it has been declared that combining two sisters in marriage is unlawful. Similarly, it was quite possible to say that having more than one wife simultaneously is unlawful. If so, the restriction of *بَيْنَ الْأُخْتَيْنِ* (two sisters) with *أَنْ تَجْمَعُوا* (that you combine) would have become redundant. It was possible to say this in one single sentence, something like: *وَأَنْ تَجْمَعُوا بَيْنَ امْرَأَتَيْنِ* (and that you combine two women in the bond of marriage) which would have made it unlawful in the absolute sense. But, the Holy Qur'an avoids this lexical brevity for the sake of a longer narration, the detail of which extends to as much as two full verses. This treatment also indicates that the verse: *وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ* (that you combine two sisters in the bond of marriage - 4:23) is, in a way, suggesting the justification of combining more than one woman in the bond of marriage which is quite permissible with the condition that they should not be sisters of each other.

Verses 131-134

وَلِلَّهِ مَا فِي السَّمُوتِ وَمَا فِي الْأَرْضِ وَلَقَدْ وَصَّيْنَا الَّذِينَ

أَوْتُوا الْكِتَابَ مِنْ قَبْلِكُمْ وَإِيَّاكُمْ أَنْ اتَّقُوا اللَّهَ وَإِنْ تَكْفُرُوا
فَإِنَّ لِلَّهِ مَا فِي السَّمُوتِ وَمَا فِي الْأَرْضِ وَكَانَ اللَّهُ غَنِيًّا
حَمِيدًا ﴿١٣١﴾ وَلِلَّهِ مَا فِي السَّمُوتِ وَمَا فِي الْأَرْضِ وَكَفَى
بِاللَّهِ وَكِيلًا ﴿١٣٢﴾ إِنْ يَشَأْ يُذْهِبْكُمْ أَيُّهَا النَّاسُ وَيَأْتِ
بِآخَرِينَ وَكَانَ اللَّهُ عَلَى ذَلِكَ قَدِيرًا ﴿١٣٣﴾ مَنْ كَانَ يَرْجِدُ
ثَوَابَ الدُّنْيَا فَعِندَ اللَّهِ ثَوَابُ الدُّنْيَا وَالْآخِرَةِ وَكَانَ اللَّهُ
سَمِيعًا بَصِيرًا ﴿١٣٤﴾

And to Allah belongs what is in the heavens and what is in the earth. And We have ordered those who were given the Book before you, and (ordered) you yourselves to fear Allah. And if you disbelieve, then, surely to Allah belongs what is in the heaven and what is in the earth. And Allah is All-Independent, Every-Praised. [131] And to Allah belongs what is in the heavens and what is in the earth. And Allah is enough to trust in.

[132]

If He so wills, He can make you go, O men, and bring others in. And Allah has the power to do that. [133]

Whoever seeks the return of this world, then, with Allah is the return of this world and of the Hereafter. And Allah is All-Hearing, All-Seeing. [134]

Sequence

After having stated the rules of behaviour as related to women and orphans, the text now reminds the promise of rewards for those abiding by these rules, and the warning for those contravening them, which is the usual style of the Holy Qur'an.

Significant Inferences

Readily noticeable here is the repetition of **لِلَّهِ مَا فِي السَّمُوتِ وَمَا فِي الْأَرْضِ** which means that everything created in the heavens and the earth belongs to Allah. Repeated thrice, these words signify three shades of meaning. In the first place, the aim is to point out to the limitless scope of Allah's power of creation which lacks nothing. In the second instance, the objective is to focus on Allah's attribute of self-

sufficiency, self-adequacy and His being need-free. It means: Should one disbelieve, deny or reject the good counsel given, He is in no need of anyone's obedience for He stands ever-praised in His pristine glory. The third mention of these words embodies a statement of Allah's mercy which makes things work for people. It means: Should one fear Allah and be obedient to Him, Allah will fulfill all his needs, because He is the owner of every thing in this universe.

The third verse (133) gives a clear and conclusive statement that Almighty Allah is fully capable of eliminating such people by withdrawing them from the scene of life and replacing them with others, submitting and obedient. This too goes on to prove that Allah is above and beyond any need and that the disobedient ones must themselves shudder at their obduracy and correct their untenable stand.

Verse 135

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ
عَلَىٰ أَنْفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ إِنْ يَكُنْ غَنِيًّا أَوْ فَقِيرًا
فَاللَّهُ أَوْلَىٰ بِهِمَا فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا وَإِنْ تَلَوْا
أَوْ تَعْرِضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ﴿١٣٥﴾

O those who believe, be unpholders of justice - witnesses for Allah, even though against (the interest of) yourselves or the parents, and the kinsmen. One may be rich or poor, Allah is better caretaker of both. So do not follow desires, lest you should swerve. And if you twist or avoid (the evidence), then, Allah is all-aware of what you do. [135]

The real purpose of sending prophets and scriptures

In this verse of Sūrah Al-Nisā', all Muslims have been instructed to uphold justice and be true when appearing as witnesses. Besides, things which can become impediments to the establishment of justice or the availability of true evidence have been removed in a highly eloquent manner. A verse of Sūrah al-Mā'idah (Volume 3) which will follow immediately after the completion of Sūrah al-Nisā' carries the same subject. In fact, their words are nearly common. Then, there is a verse in Sūrah al-Hadīd which tells us that the important purpose of

sending Sayyidnā Ādam عليه السلام as the viceregent of Allah in this world followed by other blessed prophets one after the other with the same status alongwith Scriptures and Missions was to see that justice prevails in the world with peace coming in its wake. The objective was to have every human being as a distinct individual adopt justice as his or her hallmark within his or her circle of influence or control. As for the chronically contumacious who would not take to the path of justice and fairness through good counsel, education and communication and continue being dogged in their contumacy, then, they will be the ones who have to be compelled to observe justice through legal process and due penalization and punishment.

The words of this verse from Sūrah Al-Hadīd (57:25) are as follows:

وَلَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ
بِالْقِسْطِ وَأَنْزَلْنَا الْحَدِيدَ فِيهِ بَأْسٌ شَدِيدٌ وَمَنَافِعُ لِلنَّاسِ

We have sent Our messengers with clear signs and We have sent with them the Book and the Balance so that people stand firm with justice and we sent the iron in which there is great awe, and benefits for people.

Thus we know that the system under which Prophets and Books were sent was basically aimed at establishing justice. The reference to sending down iron at the end of the verse hints towards the eventuality when the good counsel alone would not be enough to make people abide by justice. Instead, there would still be some compulsive miscreants who must be disciplined with the deterrent of iron, chains and bars and other weapons, in the best interest of establishing justice.

Abiding by justice is not for the government alone.

Now, we have before us the present verse Sūrah al-Nisā' (4:135), and verse 8 of Sūrah al-Mā'idah (5) -

كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَايُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا
إِعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ، إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

Be steadfast for Allah as witnesses for justice. And malice against a people should not bid you to not doing justice. Do justice. That is nearer to Taqwā. And fear Allah. Surely, Allah is all-aware of what you do. (5:8)

as well as the verse from Sūrah al-Ḥadīd (57:25) cited immediately above. In these verses, it has been clearly stated that establishing and maintaining justice and being steadfast on it is not simply the duty of governments and courts. The instruction has been given to every human being obligating him or her to fulfill the demands of justice by being personally firm about it and, at the same time, by making efforts that others too stay equally firm about seeing justice done. However, a certain level of justice does fall in the jurisdiction of government and its officials when the wicked, the rebellious and the contumacious challenge and confront the processes of justice by flouting it personally as well as by stopping others to carry out its dictates. On such occasions, penalization and punishment do become necessary. This enforcement of justice, obviously, can be done only by government which holds the reins of power in its hands.

In the world today, leave alone the illiterate millions, even fairly educated people think that the dispensing of justice is the sole duty of governments and courts and the masses of people are not responsible for it. This attitude is one of the major reasons which has made the government and the people act as two confronting parties in every country and every state. As a result, a gulf of conflict divides the rulers and the ruled. Masses of people from every country demand and expect justice and fairness from their government but, strangely enough, are not themselves ready and eager to uphold justice. The outcome is all too visible everywhere in the world. Law stands on hold. Crime wave rides high. No doubt, we have law-making bodies in every country costing millions. When elections come, the furore created to elect representatives really shakes God's earth. Then, these elected few, being supposedly the cream of the whole country, go on to make laws with great concern and caution keeping in view the needs and sentiments of their electorate. Then, the law is put forth for public opinion. When favourable, the law is considered enforceable. Then, the whole machinery of the government with its countless departments and experienced personal goes about enforcing the law so made. Now, this is a window to the custom-ridden world we live in. We have to look afresh and aim higher. In order to do something like this, we have to shake off from the torpor of blind following, the following of self-promoting custodians of civilization, and we shall, then, realize that

things are not as bright as we are being made to see.

Compare the state of affairs for a hundred years from now, say 1857-1957. The data will confirm that with every increase in law-making, there increased the exhibition of popular will in law and a corresponding increase in the machinery of law enforcement. One kind of police sprouted out in many more kinds resulting in a more than matching increase in ever-escalating crimes causing people to remain far more deprived of justice. With this graph of conditions rising up, more disorder in the world started showing up.

Belief in the Hereafter and the fear of God: The only guarantee of universal peace

The world is waiting for someone sensitive and discerning who would cross over the barriers of customised routines and seriously consider the message brought by the Arabian messenger ﷺ and deliberate in the reality of things as they are. Peace in the world has never been achieved through penal codes, nor will it ever be. The guarantee of universal peace can be delivered by nothing but the belief in the Hereafter and the fear of God. This twosome is the channel through which all obligations of the ruler and the ruled, masses and the government merge together on a common platform. Everyone starts pulsating with the crucial sense of individual responsibility. When it comes to respecting and defending law, the masses of people cannot get away by saying that this was the job of the officials. It will be noticed that the verses of the Holy Qur'ān dealing with the establishment of justice as cited above end with an exhortation to this very revolutionary article of faith.

The present verse of Sūrah al-Nisā' ends with the reminder: **إِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرٌ** (Allah is all-aware of what you do). At the end of the verse from Sūrah al-Mā'idah, first came the instruction to observe *Taqwā*, the fear of Allah, after which it was said: **إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ** (Allah is aware of what you do). Then, at the end of Sūrah al-Hadīd, it was said: **إِنَّ اللَّهَ قَوِيٌّ عَزِيزٌ** (Allah is powerful, mighty).

Seen together, these three verses do not rest at giving instructions to both officials and masses that they should not only uphold and establish justice personally but should also see that others too do that. These verses go further ahead through their concluding statements

whereby they focus all attention to a decisive reality which has the potential to generate a great revolution in human life and its aspirations. This, in a few words, is the realization of the power and domain of Almighty Allah, the thought of having to be present before Him, and of reckoning, and of retribution. This was, again in a nutshell, the secret behind the peace which prevailed in the less-educated world a hundred years ago as compared with what we have in our day; and, infact, it is the abandoning of such a valuable teaching that has deprived the modern progress-claiming, high-flying and satellite-borne world from the blessings of genuine peace on earth.

It is in the best interest of the liberal people of the world to realize that science and its progress can take them to all sorts of frontiers - they can climb the skies, camp on stars and visit the depths of seas - but, the real end-product of all these high-tech equipments and efforts is something which they would fail to find on far away stars or in ever new inventions. This is still there for seekers to find. It is there, clear and true as ever, in the message brought by the Prophet ﷺ who appeared in Arabia, may our lives be ransomed for him and may the peace and blessings of Allah be upon him, within the message and teaching of his, that of believing in Allah and believing in the life-to-come and its reckoning:

الْأَذْكُرُ اللَّهُ تَطْمِئِنُّ الْقُلُوبُ

"Listen! Hearts rest at peace through the *Dhikr* (remembrance) of Allah." (13:28)

Day by day, the astonishing discoveries of science do no more than confirm the most perfect power of Almighty Allah and go on to clearly demonstrate the state-of-the-art mastery of His creation which has no match. Before the skill and range of such creativity, every human claim to progress stands humbled - as the famous Persian line: چه سود چون دل دانا و چشم بینا نیست seems to ask: If you have no wisdom and no vision, what is the use of doing what you do?

Recapitulating, we can say that the Holy Qur'ān has, on the one hand, declared the establishment of justice and fairness as the very purpose of a universal order in the world while, on the other hand, it has proposed a unique system which - if adopted and put into practice

- would metamorphose this very blood-thirsty and iniquitous world into a society of virtuous people which, in turn, would become Paradise now, instant and cash, much earlier than the promised Paradise of the Hereafter. In fact, one of the explanations given regarding the verse of the Qur'an: وَلِمَن خَافَ مَقَامَ رَبِّهِ جَنَّتٌ : 'And for one who fears the high station of his or her *Rabb* (Lord), there will be two Paradises' is exactly what has been stated above. That is, the God-fearing will have two Paradises, one in the Hereafter and the other right here in this world. There is nothing Utopian about the idea. That it is feasible has been already demonstrated by the great harbinger of this message, the Holy Prophet of Islam, upon him the blessings of Allah, and peace. He has bequeathed this message to posterity, not as some unproven theory, but as a practical and functioning system. Then, after him, came al-Khulafā' al-Rāshidūn, the rightly-guided Caliphs and many more from among the rulers who followed the Sunnah of the noble Prophet of Islam strictly. As and when they acted in accordance with the principles set for them, the lion and the lamb were seen drinking at the same water trough, an imaginary saying for the ideal climate of justice for all, the strong and the weak, the poor and the rich, the labourer and the capitalist. Totally eliminated was whatever difference there could be between human beings. Law was respected by every individual in bolted homes and in the darkness of nights. This is no fairy tale. These are facts of authentic history widely corroborated and confessed, even by open-minded non-Muslims.

After understanding the essence of the Qur'ānic system, detailed explanation of the verse is given below.

Explanation

The verse under reference opens with the words: كُونُوا قَوَّامِينَ بِالْقِسْطِ (... be upholders of justice). The word, *Qist*, when it begins with *Kasrah* on *Qāf*, (the vowel point for i), it means justice and fairness. The true sense of justice and fairness is that every holder of a right should be given his or her due in full. Taken generally, it includes the rights of Allah (*Huqūqullāh*) and all kinds of human rights as well. Inclusive in the thrust of the meaning of 'upholding justice' (*qiyām bi l'qist*) is that nobody shall inflict injustice on anybody; also that the perpetrator of injustice (*ẓālim*) shall be stopped from inflicting injustice (*ẓulm*) and

the victim of injustice (*mazlūm*) shall be supported; and also that appearing as witness shall not be avoided, if witness is needed to help the victim of injustice to have his or her usurped right back; and also that the witness shall be true and factual as it really is, whether for or against anyone; and also that those who hold the reins of authority and dispensation of justice in their hands shall treat both parties to the case before them, equally and equitably. There shall be no tilt of any sort toward any one of the two. Statements given by witnesses shall be heard carefully. Every effort possible shall be made to investigate the case. Then, finally, perfect justice shall be observed in the verdict.

Impediments to Justice

Though the two verses from Sūrah al-Nisā' and Sūrah al-Mā'idah quoted earlier come from two different chapters, yet their subject is almost the common denominator between them. The only difference is that justice is normally impeded, obstructed or compromised by two things. Firstly, by love, kinship or friendship or link with someone which pushes the witness to testify in his favour so that he remains shielded against loss or that he profits by it. As for the judge or Qāḍī who is to give the verdict is affected by any such linkage, he would naturally have the urge to decide the case in favour of the party of his linkage. Secondly, justice is impeded by hostility towards someone which may take the witness to testify against him, while it could also become the cause of an unfavourable judgement given by the judge or Qāḍī. So, love and hate are passions which can cause one to move away from the path of justice and become involved with all sorts of injustice and oppression. These very two impediments have been removed in both the verses of Sūrah al-Nisā' and Sūrah al-Mā'idah. The instruction given in the verse of Sūrah al-Nisā' is about removing the impediment of kinship or nearness. It has been said there: *أَوِ الْوَالِدَيْنِ وَالْأَقْرَبِينَ* (4:135) which means: even if your testimony goes against your parents or near relatives, say what is true and ignore the factor of such relationship when testifying the truth. And removed through the verse of Sūrah al-Mā'idah is the impediment of grudge, malice or enmity. So, there it was said: *وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا* (And malice against a people should not bid you to not doing justice. Do justice. That is nearer to *Taqwā* - 5:2). As clear from the translation, it means

that malice should not make one desert the path of justice and go about testifying or ruling against them.

In addition to that, there is a slight difference between the form of address and the mode of expression appearing in these two verses. In *Sūrah al-Nisā'*, it was said: *قَوَامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ* (...upholders of justice, witnesses for Allah - 4:135) while the words from *Sūrah al-Mā'idah* are: *قَوَامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ* (... be steadfast for Allah as witnesses for justice - 5:8). To explain, we can say that the first verse contains two instructions: Uphold justice and witness for Allah. As for the second verse, the same two things have been commanded but with a changed form of address, that is, 'be steadfast for Allah and witnesses for justice.'

Most commentators say that this change in address shows that both these things are two interpretations of the same reality. At one place, it was referred to as being steadfast with justice and witnesses for Allah, while at another, the word arrangement was: Steadfast for Allah and witnesses for justice. Moreover, worth noticing is the mode of expression adopted in both these verses where multiple-worded sentences such as *كُونُوا قَوَامِينَ بِالْقِسْطِ* or *قَوَامِينَ لِلَّهِ* have been preferred, although the command to do justice could have been given through the use of one single word: *اقْسِطُوا* : *Aqsitū*: Do justice (as in *Sūrah Al-Hujurat*, - 49:9). Actually, the choice of the longer sentence is there to indicate that being just and fair in a particular case accidentally does not liquidate one's responsibility wholly. The reason is that being able to do justice in one or the other case is a natural possibility which can apply even to the most evil and tyrannical ruler who may find himself having done justice in some case. So, by the use of the word, *qawwāmīn* (those who uphold and are steadfast), it has been established that upholding justice and fairness is a constant duty which must be observed at all times, under all conditions, for every friend or foe.

Qur'ānic Principles of Universal Justice

Now, concluding our discussion about the meanings of verse 135 in conjunction with verse 8 of *Sūrah al-Mā'idah*, it can be safely said that the principles of universal justice by one and all enunciated through these two verses form part of the many distinctions of the glorious

Qur'an. These can be better appreciated when seen through two major aspects as given below:

1. To begin with, officials and masses of people have all been alerted to the supreme subduing power of Almighty Allah and to the ultimate reckoning of the fateful Day of Retribution so that they could think, stop and deter or be prepared to face the consequences. In view of this, the masses themselves have to respect law, and the officials who are responsible for the enforcement of law, they too, have to keep the thought of Allah and *Ākhirah* (God and the Hereafter) before them while enforcing law and thus be the servants and not the thoughtless masters of God's multitudes of people. They should make law a source of service to people and a source of betterment of the whole world, never causing their worries to increase, never engineering ways to condemn victims of injustice to their grinding mills of red tape, never making them suffer from injustice multiplied with more injustices, and finally, never ever selling law for mean desires or paltry gains. By saying: Be steadfast for Allah - witnesses for Allah, both officials and masses have been exhorted to act for Allah and act with sincerity at its best.

2. The second element of importance here is that the responsibility of establishing justice and fairness as a way of life has been placed on the shoulders of all human beings. As for the verses from Sūrah al-Nisā' and Sūrah al-Mā'idah wherein, by saying: يَا أَيُّهَا الَّذِينَ آمَنُوا (O those who believe), the entire Muslim community has been addressed. But, in Sūrah al-Hadīd, by saying: لِيُقِيمُوا النَّاسَ بِالنِّسْطِ (so that mankind stands firm with justice - 57:25), this duty has been considered binding on all human beings. Similarly, by saying: وَكُنْ عَلَى أَنْفُسِكُمْ (even though against yourselves...), instruction has been given that justice is not something to be demanded from others only, instead, it should also be exacted from one's own self. It means that one should say nothing against what is true and just, even when one has to declare something against one's own self, even if such an action is likely to bring loss upon one's person, because this loss is insignificant, tiny and transitory. On the contrary, should someone elect to placate his self by flat lies, then he has bought for himself the severe punishment of the Day of Retribution.

Verses 136-137

يَا أَيُّهَا الَّذِينَ آمَنُوا آمِنُوا بِاللَّهِ وَرَسُولِهِ وَالْكِتَابِ الَّذِي نَزَّلَ
عَلَى رَسُولِهِ وَالْكِتَابِ الَّذِي أَنزَلَ مِنْ قَبْلُ وَمَنْ يَكْفُرْ بِاللَّهِ
وَمَلَائِكَتِهِ وَكُتُبِهِ وَرُسُلِهِ وَالْيَوْمِ الْآخِرِ فَقَدْ ضَلَّ ضَلَالًا
بَعِيدًا ﴿١٣٦﴾ إِنَّ الَّذِينَ آمَنُوا ثُمَّ كَفَرُوا ثُمَّ آمَنُوا ثُمَّ كَفَرُوا ثُمَّ
أَزْدَادُوا كُفْرًا لَمْ يَكُنِ اللَّهُ لِيَغْفِرْ لَهُمْ وَلَا لِيَهْدِيَهُمْ
سَبِيلًا ﴿١٣٧﴾

O those who believe, do believe in Allah and His Messenger and in the Book He has revealed to His Messenger and in the Books He has revealed earlier. And whoever disbelieves in Allah and His angels and His Books and His Messengers and the Last Day has indeed gone far astray. [136]

Surely, those who believed and then disbelieved, believed again and then disbelieved, then went on increasing in their disbelief - Allah is not to forgive them nor lead them on the path. [137]

Sequence

Discussed upto this point were subsidiary injunctions mostly, alongwith issues relating to faith (*Īmān*) and disbelief (*kufr*) appearing as a corollary to dealings with antagonists. Onwards from here, these issues appear in some detail continuing almost close to the end of the Sūrah. In the sequence of statements, first comes a description of *Īmān* (faith) as credible in the sight of the Shari'ah. After that, various groups of disbelievers have been censured for their beliefs and for some of their deeds also which issue forth from their faulty beliefs.

Important Notes

1. The first part of the verse 137 which begins with the words: إِنَّ الَّذِينَ آمَنُوا ثُمَّ كَفَرُوا (Surely, those who believed and then disbelieved, believed again and then disbelieved, then went on increasing in their disbelief) refers to the hypocrites. But, some commentators say that this verse is about the Jews for they were the ones who first believed, then, after having taken to the golden calf, became disbelievers. After that, they repented and believed. Then again, they rejected the prophethood of

Sayyidnā 'Isā عليه الصلوة والسلام and fell back into disbelief. Finally, by refusing to believe in the prophethood of Sayyidnā Muḥammad ﷺ, they further increased in their disbelief (Rūḥ al-Ma'ānī).

2. The second part of the verse 137 لَمْ يَكُنِ اللَّهُ يَغْفِرْ لَهُمْ وَلَا يَهْدِيهِمْ سَبِيلًا (-- Allah is not to forgive them nor lead them on the path), when read as a whole with the first part, would mean that their repeated return to disbelief will cause their very ability to receive true guidance to be taken away from them and, in that event, they will have neither the future option to repent nor the opportunity to believe. Otherwise, the general rule laid out by the definitive texts of the Qur'an and Sunnah is that a disbeliever (*kāfir*) or an apostate (*murtadd*), no matter how hardened, has his past sins forgiven -- if the *taubah* (repentance) made by him is sincere and true. So, if such people too change and repent, the law of amnesty and forgiveness is open.

Verses 138-141

بَشِّرِ الْمُنَافِقِينَ بِأَنَّ لَهُمْ عَذَابًا أَلِيمًا ﴿١٣٨﴾ الَّذِينَ يَتَّخِذُونَ
الْكُفْرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ أَبِيتُوا عِنْدَهُمُ الْعِزَّةَ
فَإِنَّ الْعِزَّةَ لِلَّهِ جَمِيعًا ﴿١٣٩﴾ وَقَدْ نَزَّلَ عَلَيْكُمْ فِي الْكِتَابِ أَنْ
إِذَا سَمِعْتُمْ أَلْفًا يَكْفُرُ بِهَا وَيُسْتَهْزَأُ بِهَا فَلَا تَعْدُوا
مَعَهُمْ حَتَّى يَخُوضُوا فِي حَدِيثٍ غَيْرِهِ إِنَّكُمْ إِذَا مِثْلَهُمْ إِنَّ
اللَّهَ جَامِعُ الْمُنَافِقِينَ وَالْكُفْرِينَ فِي جَهَنَّمَ جَمِيعًا ﴿١٤٠﴾ الَّذِينَ
يَتَرَبَّصُونَ بِكُمْ فَإِنْ كَانَ لَكُمْ فِتْحٌ مِنَ اللَّهِ قَالُوا أَلَمْ نَكُنْ
مَعَكُمْ وَإِنْ كَانَ لِلْكُفْرِينَ نَصِيبٌ قَالُوا أَلَمْ نَسْتَحْوِذْ عَلَيْكُمْ
وَنَمْنَعَكُمُ مِنَ الْمُؤْمِنِينَ فَاللَّهُ يَحْكُمُ بَيْنَكُمْ يَوْمَ الْقِيَمَةِ وَلَنْ
يَجْعَلَ اللَّهُ لِلْكُفْرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا ﴿١٤١﴾

Give the hypocrites the good news that for them there is a painful punishment [138] - those who take the disbelievers for friends rather than the believers. Are they seeking honour in their company? But, indeed, all honour belongs to Allah, [139] and He has revealed to you in the Book that when you hear the verses of Allah

being disbelieved and ridiculed you should not sit with them unless they enter into some other discourse. You, in that case, would be like them. Surely, Allah is to gather all hypocrites and disbelievers in *Jahannam* [140] - those who look for (a misfortune for) you, so, if there is a victory for you, they say, "Were we not with you?" And if there is a gain for the disbelievers, they say, (to them) "Had we not overpowered you, still protected you from the believers?" So, Allah will decide between you on the Doomsday. And Allah shall never give the disbelievers a way against the believers. [141]

Commentary

In the first verse (138), the hypocrites have been given the news of a painful punishment. By articulating a distressing news with the word, '*bashārah*' (good news), the hint given is that everyone looks forward to some good news to brighten his or her future but, for the hypocrites, there is just no other news except this.

Seek Honour from Allah alone

Close friendly relations with disbelievers and polytheists have been forbidden in the second verse (139). Warning has been served on those who do so. Right along, after giving the reason why people get involved with this disease, the practice has been declared ineffectual and absurd. The words of the text are: **أَيَسْتَفْتُونَ عِنْدَهُمُ الْبِرَّةَ فَإِنَّ الْبِرَّةَ لِلَّهِ جَمِيعًا** (139) (Are they seeking honour in their company? But, indeed, all honour belongs to Allah). To explain, we can say that the urge to meet and be friendly with disbelievers and polytheists is generally prompted by the assumption that their outwardly visible influence, power and collective strength may give honour and power to those who have close relations with them. Almighty Allah has exposed the reality behind this absurd notion by saying : You want to acquire honour from those who themselves have no honour. '*Izzah*' (عِزَّةٌ) which means might and mastery, belongs to none but Allah and whenever some sort of might and mastery is given to any person, it is given by Allah. With the scheme of things being such, it would certainly be a gross lack of reason to go about acquiring honour by displeasing the owner and giver of real honour and stooping down to the level of scroungers for temporal honour through His enemies?

The same subject has appeared in the Qur'ānic Sūrah al-Munāfiqūn with one addition as follows:

وَلِلَّهِ الْعِزَّةُ وَلِرَسُولِهِ وَلِلْمُؤْمِنِينَ وَلَكِنَّ الْمُنَافِقِينَ لَا يَعْلَمُونَ

For Allah is all honour, and for His Messenger, and for believers - but, the hypocrites do not know. 63:8.

By adding the messenger and the believers with Almighty Allah in this verse, it has been emphasized that Allah is the only owner-possessor of real honour and it is He Who bestows on whosoever He wills a certain part of that honour. Since the Messenger of Allah and those who believe in them are dear in the sight of Allah, therefore, honour and mastery are given to them. As for the disbelievers and the polytheists, they themselves do not have this kind of honour, then, what sort of honour can one get by acting in league with them? Therefore, Sayyidnā 'Umar رضى الله عنه said:

مَنْ اعْتَزَّ بِالْعَبِيدِ أَذَلَّهُ اللَّهُ

Whoever seeks honour through human beings (His servants) is disgraced by Allah. (Jaṣṣāṣ)

As in Mustadrak al-Hakim, Sayyidnā 'Umar رضى الله عنه said to Sayyidnā Abū 'Ubaydah, the Governor of Syria:

كُنْتُمْ أَقَلَّ النَّاسِ وَأَذَلَّ النَّاسِ فَكَثَرَكُمْ بِإِسْلَامٍ، وَكُنْتُمْ أَذَلَّ النَّاسِ فَأَعَزَّكُمْ اللَّهُ بِإِسْلَامٍ مَهْمَا تَطْلُبُوا الْعِزَّةَ بِغَيْرِ اللَّهِ يَذُلُّكُمْ اللَّهُ .

You were the lowest (in numbers) and the weakest (in strength) among the people (of the world), then Allah made you exceed in numbers and strength with (the grace of) Islam; and you were the meanest (in status) among the people (of the world), then Allah raised you in honour with (the grace of) Islam. So, understand this very clearly: If you seek honour from any source other than Allah, Allah will disgrace you.

Explaining the meaning of this verse, the famous commentator, Abū Bakr al-Jaṣṣāṣ has said in Aḥkām al-Qur'ān that the verse forbids the seeking of honour through friendship with disbelievers and sinners. However, the seeking of honour and power through Muslims is not forbidden because this verse of Sūrah al-Munāfiqūn has made it clear that Almighty Allah has blessed His messenger and the believers

with honour. (Jaṣṣāṣ, p. 352, v.2)

If the '*Izzah* or honour mentioned here means the everlasting honour of the life-to-come, the '*Ākhirah*, then, its applicability to Allah's messenger and the believers in the life of the present world is quite obvious, for the honour of the '*Ākhirah* can never become the lot of any disbeliever or polytheist. Conversely, if it is taken to mean honour in the present life of the world, then, barring transitional periods and accidental happenings, this honour and mastery is, ultimately, the right of Islam and Muslims alone. Until such time that Muslims remained Muslims in the true sense, the whole world witnessed the spectacle. Then, there shall be the later period when Muslims will reassemble around true Islam under the leadership of Sayyidnā 'Isā عليه السلام ascendancy will again be theirs. That Muslims appear to be weak during the interim period, because of their weakness of faith and involvement with sins, does not go against it.

In the third verse (140): وَقَدْ نَزَّلَ عَلَيْكُمْ فِي الْكِتَابِ (... and He has revealed to you in the Book), by referring to another verse of the Holy Qur'ān which had already been revealed as a verse of the Sūrah al-An'ām before the event of Hijrah in Makkah al-Mukarramah, it has been re-emphasized that Allah had sent, much earlier, the command that they should not even sit in the company of disbelievers and sinners. Now, surprising as it is, these heedless people have gone much beyond that by establishing friendly relations with them assuming that they were the bearers of honour and the wielders of power in their own right.

The verse of Sūrah al-Nisā' under discussion (140) and the verse of Sūrah al-An'ām (68) which has been referred to in the Sūrah al-Nisā' both carry the same sense. That is, should some people sitting in a group be engaged in denying and deriding the verses revealed by Allah, then, as long as they stay occupied with this vain exercise, sitting in their company to participate or observe is also forbidden (*ḥarām*). However, the words of Sūrah al-An'ām have some generalization, and a little more detail for it says:

وَإِذَا رَأَيْتَ الَّذِينَ يَخُوضُونَ فِي الْبَيْنِ فَأَعْرَضْ عَنْهُمْ حَتَّى يَخُوضُوا فِي حَدِيثٍ غَيْرِهِ وَإِمَّا يُنسِيَنَّكَ الشَّيْطَانُ فَلَا تَقْعُدْ بَعْدَ الذِّكْرِى مَعَ الْقَوْمِ الظَّالِمِينَ

And when you see those who indulge in Our verses adversely,

turn away from them, until such time that they may get busy with some subject other than that. And if Satan makes you forget, do not sit with the unjust people after the recollection. (6:68)

Here, in the verse cited above, the reference is to disputation in Divine verses which includes disbelief and mockery as well. Also included here is the act of distorting the meaning of a verse, that is, deducing such meanings from the verses of the Holy Qur'ān which are contrary to the *tafsīr* or explanation given by the Holy Prophet ﷺ and his blessed Companions, or are against the consensus of the Muslim Community. Therefore, Sayyidnā 'Abdullāh ibn 'Abbās رضى الله عنه, as reported by Dahhāk, has said that included within the sense of this verse are those who explain the Qur'ān (*tafsīr*) erroneously or distort its meaning (*taḥrīf*) or invent what is not there (*bid'ah*). The actual words of this report are being given below:

دَخَلَ فِي هَذِهِ الْآيَةِ كُلُّ مُحَدِّثٍ فِي الدِّينِ، وَكُلُّ مُبْتَدِعٍ إِلَى يَوْمِ الْقِيَمَةِ

(Mazhari, p.263, v.2)

The impermissibility of listening to opinion-based explanations of the Holy Qur'ān:

From here we find out that a person who, while talking, explaining or teaching the Holy Qur'ān, is not observant of the exegetical authenticity credited to the most righteous elders of the early period (i.e. the Companions of the Holy Prophet صلى الله عليه وسلم or their pupils) instead, indulges in giving meanings of the Qur'ān contrary to those stated by them, then, participation in the *Dars* (teaching sessions) or *Tafsīr* (Exegesis) of such a person shall be impermissible under the authority of the Qur'ān, being a sin rather than a source of reward. In *Tafsīr al-Baḥr al-Muḥīṭ*, Abū Ḥayyān has said: These verses tell us that what is sinful to say verbally remains equally sinful when heard through the ears voluntarily. He has even put it in a poetic exhortation:

وَسَمْعَكَ صُنْ عَنْ سِمَاعِ الْقَبِيحِ كَصَوْنِ اللِّسَانِ عَنِ النَّطْقِ بِهِ

Protect your ears from hearing the evil
As you protect your tongue from saying it.

After looking at the element of some generalization in the verse of Sūrah al-An'ām, we can now turn to the other element of additional

remarks about the possibility of someone having joined the company of such people unknowingly. In that case, once it is realised, the person should immediately leave that gathering. The point is that one should not sit with unjust people when alerted to the situation.

Now, in both verses of Sūrah al-Nisā' and Sūrah al-An'am, it has been declared that as long as they remain occupied with their cross-comments, sitting in their company is forbidden. Here, we face another aspect of the problem which is: When they stop talking in that particular strain and digress to some other topic, would sitting with them and taking part in mutual discourse at that time become permissible, or not? The Qur'an has elected not to be explicit on this situation, therefore, on this subject, there is a difference of views among scholars. Some have said that the reason for this prohibition was the disparagement and distortion of Divine verses - when that stopped, the prohibition stopped too. Therefore, once they start talking about something else, sitting in their company is no sin. Some others have said that (sitting in) the company of such disbelieving, sinning and unjust people is not correct even after that. This is the position taken by Ḥasan al-Baṣrī, may the mercy of Allah be upon him, the argument in support of his position comes from the following sentence of Sūrah al-An'am: **فَلَا تَقْعُدُوا مَعَ الْكَافِرِينَ** It means: Once you remember, do not sit with the unjust people. It is obvious that an unjust person remains what he is even after having terminated the questionable conversation. Therefore, abstaining from sitting in his company is necessary. (Jaṣṣaṣ)

Qāḍī Thanāullāh Pānīpatī has, in his al-Tafsīr al-Maḥzarī, found consistency in both views by saying that should comments laced with disbelief, mockery and distortion of the Qur'an cease and be replaced by some other topic of conversation, then, even at that time, sitting unnecessarily in the company of such people shall, after all, remain forbidden. But, should such participation be prompted by some religious contingency or physical need, it would be permissible.

Seclusion is better than bad company

Imām Abū Bakr al-Jaṣṣaṣ has said in Ahkām al-Qur'an: Should a Muslim, who is charged with the duty of forbidding the evil, witness sin being committed in a gathering, then, he should stop it by force, if

he has the strength to do that. And should he be lacking in this capability, then, he should, in the least, show his displeasure, the lowest degree of which is that he should rise and leave such company.⁴ This is the reason why Sayyidnā 'Umar ibn 'Abdul-'Azīz had some people arrested on the charge that they were drinking wine. On investigation, it was found that one of them was fasting. He did not drink the wine, but he was sitting in the company of those drunkards. Sayyidnā 'Umar ibn 'Abdul-'Azīz punished him too for his unexplained sitting in that sort of company. (al-Baḥr al-Muḥīṭ p.375, v.3)

It is useful to know that Ibn Kathīr has reported at this point in his *Tafsīr* the following ḥadīth from the Holy Prophet صلى الله عليه وسلم where he has said:

مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَجْلِسُ عَلَى مَائِدَةٍ يَدَارُ عَلَيْهَا الْخَمْرُ

One who believes in Allah and the Last Day should not sit to dine where liquor is being served. (Ibn Kathīr, p.567, v.1)

What has been said about leaving a gathering as part of a debated issue summarized above is hemmed by a condition. The condition is that leaving such a gathering shall not entail some sin according to Shari'ah. For example, joining the *Jama'ah* (congregation) in a *Masjid* is necessary. Should something contrary to the Shari'ah start happening there, one should not abandon praying with the *Jama'ah* because of that; instead, simple emotional displeasure against what is undesirable shall be considered sufficient. Similarly, there could be some other gathering the necessity of which stands proved in the Shari'ah. If some people there start doing things which are contrary to the Shari'ah, then, leaving that gathering just because of the sin being committed by others would amount to committing a sin of your own. This is neither reasonable, nor correct. Therefore, Ḥasan al-Baṣrī said: If we were to keep giving up what we must do just because of the sins of other people, we shall be paving the way for all sorts of sinners to come and destroy the Sunnah and Shari'ah.

To Sum Up

The nature of socialization with disbelieving or falsely-believing people takes some of the following forms:

1. By condescending to their infidelistic assaults. This is infi-

delity (*kufr*).

2. By showing repugnance when confronted with open expressions of disbelief. This, if done without a valid excuse admitted by the Shari'ah, is '*fisq*' or sinfulness, contrary to the required behaviour of unalloyed righteousness.
3. For some worldly need. This is allowed.
4. To disseminate injunctions of Islam. This is an act of worship, '*Ībādah*'.
5. Under compulsion, exigency or emergency or helplessness (*idtirār*). This is excusable.

Accommodating disbelief is disbelief

Towards the later part of the verse (140), it was said: **إِن كُنْتُمْ إِذَا مِثْلَهُمْ** (You, in that case, would be like them). It means: 'If you kept sitting in such a gathering where the Word of Allah is being rejected or ridiculed or distorted, quite unruffled, almost willingly, then, you too, by becoming an accomplice in their sin, have become like them.' The sense of 'having become like them' can be explained either as: 'God forbid, if your own thoughts and feelings are such that you show your liking for and are satisfied with their expressions of disbelief, then, in reality, you too are a disbeliever (*kāfir*), because liking *kufr* is nothing but *kufr*.' Otherwise, if that is not the case, 'being like them' would mean: 'By your participation in the activity of those who are busy hurting Islam and Muslims through their falsification of the Faith, you too, by your abetment of their conspiracy, have become, God forbid, like them.'

Verses 142 - 144

إِنَّ الْمُنَافِقِينَ يُخَادِعُونَ اللَّهَ وَهُوَ خَادِعُهُمْ ۖ وَإِذَا قَامُوا إِلَى
الصَّلَاةِ قَامُوا كُسَالٍ ۚ يُرَاءُونَ النَّاسَ وَلَا يَذْكُرُونَ اللَّهَ إِلَّا
قَلِيلًا ۚ ﴿١٤٢﴾ مُذَبْذَبِينَ بَيْنَ ذَلِكَ ۚ لَا إِلَى هَؤُلَاءِ وَلَا إِلَى
هَؤُلَاءِ ۚ وَمَنْ يُضْلِلِ اللَّهُ فَلَنْ يَجْدَلَ سَبِيلًا ۚ ﴿١٤٣﴾ يَا أَيُّهَا الَّذِينَ
آمَنُوا لَا تَتَّخِذُوا الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ ۚ أُرِيدُوا أَنْ

أَنْ تَجْعَلُوا لِلَّهِ عَلَيْكُمْ سُلْطَانًا مُّبِينًا ﴿١٤٥﴾

Surely, the hypocrites (try to) deceive Allah while He is the One who leaves them in deception. And when they stand for Ṣalāh, they stand up lazily showing off to the people, and do not remember Allah but a little, [142] wavering between (this and) that, neither here nor there. And whom Allah lets go astray for him you shall never find a way. [143] O those who believe, do not take the disbelievers for friends instead of the believers. Do you want to produce before Allah a clear evidence against yourselves? [144]

The censure on hypocrites appearing earlier continues through the present verses. Their blameworthy approach to matters of Faith has been clearly identified here and is self-explanatory through the translation given.

Maulānā Ashraf 'Alī Thānavī has, in his Tafsīr Bayān al-Qur'ān, taken up the question of 'standing up lazily' in the expression: قَامُوا كَسَالًا which appears in verse 142 saying: 'The laziness censured here is doctrinal laziness, (that is, slothfulness towards observance of the articles of faith due to lack of true conviction). However, laziness which is there despite correct beliefs stands excluded from the purview of this censure. Then, should this laziness be there due to some excuse, such as, sickness, fatigue or sleepiness, it is not even blameworthy. But, when without excuse, it is.'

Verses 145 - 147

إِنَّ الْمُنَافِقِينَ فِي الدَّرَكِ الْأَسْفَلِ مِنَ النَّارِ وَلَنْ تَجِدَ لَهُمْ نَصِيرًا ﴿١٤٥﴾ إِلَّا الَّذِينَ تَابُوا وَأَصْلَحُوا وَاعْتَصَمُوا بِاللَّهِ وَأَخْلَصُوا دِينَهُمْ لِلَّهِ فَأُولَئِكَ مَعَ الْمُؤْمِنِينَ وَسَوْفَ يُؤْتِي اللَّهُ الْمُؤْمِنِينَ أَجْرًا عَظِيمًا ﴿١٤٦﴾ مَا يَفْعَلُ اللَّهُ بِعَذَابِكُمْ إِنْ شَكَرْتُمْ وَآمَنْتُمْ وَكَانَ اللَّهُ شَاكِرًا عَلِيمًا ﴿١٤٧﴾

Surely, the hypocrites are in the lowest level of the Fire, and you shall never find for them a helper [145] - except those who repent and correct themselves and

hold on to Allah and make their Faith pure for Allah. So, those are with the believers, and Allah shall give the believers a great reward. [144]

What would Allah get by punishing you, if you are grateful and believe? And Allah is Appreciating, All-Knowing. [147]

The purpose in previous verses was to point out to some ugly traits of the hypocrites, though their punishment of being in Hell with disbelievers was also mentioned as a corollary to another subject.

From this stage onwards, the purpose is to state their punishment clearly. Since the inherent effect of such impending punishment generates a sense of fear in a good-natured person which usually becomes the reason for early repentance, therefore, exemption from punishment has been promised to those who repent alongwith the incentive of good reward for them.

The Meaning of sincerity

The statement: **اٰخَصُّوْا دِيْنََكُمْ** (Make their Faith pure for Allah) in verse 146 shows that a deed in order to be acceptable with Allah has to be free of hypocrisy and exclusively for His sake and pleasure, for Muslim jurists have enunciated the meaning of *Mukhlis* (translated with the weaker equivalent 'sincere') as follows:

اَلَّذِيْ يَفْعَلُ لِلّٰهِ لَا يُحِبُّ اَنْ يُحَمِّدَهُ النَّاسُ عَلَيْهِ

A sincere person is one who acts for Allah alone and does not like that people praise him for it. (Mazharī)

Verses 148 - 152

لَا يُحِبُّ اللّٰهُ الْجَهْرَ بِالسُّوْءِ مِنَ الْقَوْلِ اِلَّا مَنْ ظَلَمَ ۚ وَ كَانَ
اللّٰهُ سَمِيْعًا عَلِيْمًا ﴿١٤٨﴾ اِنْ تُبْدُوْا خَيْرًا اَوْ تَخْفَوْهُ اَوْ تَعْفَوْا
عَنْ سُوْءٍ فَاِنَّ اللّٰهَ كَانَ عَفُوًّا قَدِيْرًا ﴿١٤٩﴾ اِنَّ الَّذِيْنَ يَكْفُرُوْنَ
بِاللّٰهِ وَرُسُلِهِ وَيُرِيْدُوْنَ اَنْ يُفَرِّقُوْا بَيْنَ اللّٰهِ وَرُسُلِهِ وَيَقُوْلُوْنَ
نُؤْمِنُ بِبَعْضٍ وَنَكْفُرُ بِبَعْضٍ وَيُرِيْدُوْنَ اَنْ يَتَّخِذُوْا بَيْنَ ذَلِكَ
سَبِيْلًا ﴿١٥٠﴾ اُولٰٓئِكَ هُمُ الْكٰفِرُوْنَ حَقًّا وَاعْتَدْنَا لِلْكَافِرِيْنَ

عَذَابًا مُّهِينًا ﴿١٤٨﴾ وَالَّذِينَ آمَنُوا بِاللّٰهِ وَرُسُلِهِ وَلَمْ يُفَرِّقُوا
 بَيْنَ أَحَدٍ مِنْهُمْ أُولَٰئِكَ سَوْفَ يُؤْتِيهِمْ أَجْرُهُمْ وَكَانَ اللّٰهُ
 غَفُورًا رَّحِيمًا ﴿١٥٢﴾

Allah does not like the saying of evil words openly except from anyone wronged. And Allah is All-Hearing, All-Knowing. [148]

If you do good openly or keep it secret or overlook an evil deed, then, Allah is All-Forgiving, All-Powerful. [149]

Surely those who disbelieve in Allah and His Messengers, and wish to make division between Allah and His Messengers, and say, "We believe in some and disbelieve in some others" and wish to take a way in between that. [150] Those are the disbelievers in reality, and We have prepared for the disbelievers a humiliating punishment. [151]

And those who have believed in Allah and His Messengers, and have made no division between any of them, to them He will give their rewards. And Allah is Most-Forgiving, Very-Merciful. [152]

Commentary

Out of these verses, the first (148) and the second (149) give a law to eradicate injustice and oppression from the world. But, this is not like the usual worldly laws which are limited to dictatory formulations. This, in turn, is the kind of law which tries a combination of persuasion and awe whereby, on the one hand, the victim of injustice has been permitted to protest against the perpetrator of injustice, or to go to a court of law to seek redress. All this is nothing but the basic demand of justice and, certainly, a source of eradication of crimes. But, along with this option, there is a restriction on it as mentioned in Sūrah al-Nahl: *وَأَنْ عَاقِبْتُمْ عَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ وَلَئِنْ صَبَرْتُمْ لَهُمْ خَيْرٌ لِلصَّابِرِينَ* It means: 'If a person inflicts injustice on you, you too can retaliate against him for that injustice. But, the condition is that your retaliation should not exceed the unjust aggressive action by him - if so, it is you who would turn into the unjust one.' (16:126) The outcome is that returning an injustice by another injustice is not allowed. Rather, the retaliation to

injustice, if any, can be made only through justice. On the other hand alongwith this course of action, comes the instruction that revenge is, though permissible, yet observing patience (*ṣabr*) and forgiving is better.

This verse also tells us that for an oppressed person who goes about complaining to people about the injustice done to him or her, this will not be included under backbiting *ghībah*, which is *ḥarām* (forbidden) - because it is the oppressor who has given the victim the opportunity to complain. Thus, the Holy Qur'an has, on the one hand, allowed the oppressed person to use the option of 'even retaliation' against the injustice. On the other hand, by teaching the oppressed to practice high morals and to forgive and forget, and by focusing before him the the great gain of the life-to-come, the victim of injustice has been persuaded to do a little sacrifice in this matter of his legitimate right and take no revenge for the injustice inflicted. The Holy Qur'an says:

إِنْ تُبْدُوا خَيْرًا أَوْ تُخْفُوهُ أَوْ تَعْفُوا عَنْ سُوءٍ فَإِنَّ اللَّهَ كَانَ عَفُوًّا قَدِيرًا

If you do good openly or keep it secret or overlook an evil deed,
then, Allah is All-Forgiving, All-Powerful - 4:149

It means: If you do a good deed openly or do it secretly or forgive any injustice or evil done by someone, then, this is better, because Allah is All-Forgiving, All-Powerful. Primarily, this verse is concerned with the forgiving of injustice but, by also mentioning the doing of what is good, openly or secretly, the hint given is that this act of overlooking and forgiving is great and anyone who elects to do it shall become deserving of the mercy and forgiveness from Almighty Allah.

Towards the end of the verse, by saying *فَإِنَّ اللَّهَ كَانَ عَفُوًّا قَدِيرًا* (Allah is All-Forgiving, All-Powerful), it has been made clear that Allah is powerful in the absolute sense. He can punish whomsoever He wills, yet He is All-Forgiving. Now, a human being, who does not have much of power or choice, were to think of taking revenge, it is quite possible that he may just not have the capability to do that. Therefore, for such a person, overlooking and forgiving is far more desirable

This is the principle which the Holy Qur'an enunciates to eradicate injustice and reform the society. The counsel, befitting of the Sustainer of everything, does, on the one hand permit retaliation in an equal

measure, thus upholding justice. On the other hand, it exhorts the aggrieved party to forgive and forgo. The result is what has been described in Qur'ān at another place:

فَإِذَا الَّذِي بَيْنَكَ وَبَيْنَهُ عَدَاوَةٌ كَأَنَّهُ وَلِيٌّ حَمِيمٌ

"You will see that he with whom you had enmity has become your closest friend" (41:34).

Court decisions and taking of revenge for injustices do play a role in checking injustice. The fact, however, is that the parties to the dispute are usually left saddled with long term grievances and feelings of abhorrence against each other which can result in further disputes in the future. The impeccable lesson in morality, given by Holy Qur'ān, results in patch up among quarrelling parties such that even old enmities change into close and lasting friendships.

Now, we move on to verses 150, 151 and 152 where the Holy Qur'ān has given the clear verdict that anyone who believes in Allah but does not believe in His messengers, or believes in some of them and does not believe in some others is not a believer in the sight of Allah. He is, rather, an open and avowed disbeliever for whom there is no road to salvation in the Hereafter. Let us examine this aspect of the verses concerned in some detail.

Salvation depends on Islam

This clear verdict of the Holy Qur'ān has exposed the rudderless and crooked ways of those who, in an effort to appear tolerant in dealings with peoples of other faiths, would like to present their religion and religious beliefs as gifts on a platter. By doing so, they wish to tell - despite and contrary to the clear injunctions of the Qur'ān and Sunnah - people of other faiths that Muslims do not think that salvation depends on Islam alone and a Jew could keep to his or her creed and a Christian to his or hers and yet, both could look forward to salvation; though, they deny all prophets or at least some of them, for which reason this verse has declared them to be the kind of disbelievers who are destined for Hell.

There is no doubt about the fact that Islam stands unmatched in its attitude to non-Muslims in matters of justice and fairness, sympathy and goodwill, favour and tolerance. But, good favours can be

made within the limits of one's rights and possessions. Religious principles and articles of faith are not our property which we could donate or present to somebody. Of course, Islam is generous and benevolent in its teachings of tolerance and good treatment with non-Muslims, but it is also equally cautious and firm in the defence of its frontiers. It maintains its essential approach of all possible sympathy and maximum tolerance with non-Muslims, but, at the same time, Islam absolves itself decisively from all forms of disbelief and customs woven around it, declaring Muslims as a people distinct from non-Muslims - and yet, it provides full protection to their national hallmarks. In short, Islam prefers to keep not only the acts of worship Muslims perform distinct from those of others, but also its way of life in a society, the examples of which abound in the Qur'ān and Sunnah.

Had Islam believed in the possibility of salvation through every religion or community, it would have had no right to lay so much stress on spreading the message (*Tablīgh*) of Islam, almost to the limit of staking property and life for it. This would have been wrong in principle and quite contrary to dictates of reason. In fact, by accepting such a premise, the very coming of the noble Prophet, may the blessings of Allah and peace be upon him, and the revelation of the glorious Qur'ān, is rendered, God forbid, redundant. And, lest we miss, the entire *Jihād* carried out by the noble Prophet صلى الله عليه وسلم and the rightly-guided Caliphs رضى الله عنهم اجمعين becomes meaningless, rather reduced to nothing but the lust for more land.

In this case, some people have fallen victims to doubt by a misreading of verse 62 in Sūrah al-Baqarah which is cited below:

إِنَّ الَّذِينَ آمَنُوا وَالَّذِينَ هَادُوا وَالنَّصَارَى وَالصَّبِيَّانَ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ
وَعَمِلَ صَالِحًا فَلَهُمْ أَجْرُهُمْ عِنْدَ رَبِّهِمْ وَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ

Surely, those who believed in Allah, and those who happened to be Jews and Christians, and the Sabeans - whosoever believes in Allah and in the Last Day, and does good deeds - they have their reward with their Lord. And there is no fear for them nor shall they grieve.

Since, in this verse, rather than giving the full detail of what constitutes faith, only belief in Allah and in the Last Day has been considered sufficient, those who try to understand the Qur'ān through

an incomplete study have misunderstood the whole idea. They assumed that simply believing in Allah and the Last Day is enough for salvation and that believing in prophets is no condition for it.' Thus, they failed to understand that the Qur'ān has its own terminology in which Belief in Allah, in order to be acceptable, has to be in conjunction with Belief in the Prophet. Otherwise, even the Satan admits that there is a God and that He is One. The Holy Qur'ān has itself clarified the real issue in the following words:

فَإِنْ آمَنُوا بِمِثْلِ مَا آمَنْتُمْ بِهِ فَقَدْ اهْتَدَوْا وَإِنْ تَوَلَّوْا فَإِنَّمَا هُمْ فِي شِقَاقٍ
فَسَيَكْفِيكَهُمُ اللَّهُ وَهُوَ السَّمِيعُ الْعَلِيمُ .

So, if they believe in the like of what you believe in, they have certainly found the right path. And if they turn away, they are nothing but in antagonism. Then Allah will suffice you against them, and He is the All-Hearing, the All-Knowing.
(2:137)

In other words, we can say that their faith will be valid and trustworthy only when they have the same faith as common Muslims do, a faith in which Belief in the Prophet is indispensably necessary with Belief in Allah. Otherwise, if they do not do that, let it be understood that they are the ones who wish to create dissension. After that, for them, Allah will be sufficient on your behalf, and He is the One who hears everything and He is the One who knows everything.

As for the verses under discussion, it has been clearly declared that anyone who rejects even one of the prophets of Allah is an avowed disbeliever (*kāfir*) and a recipient of the punishment of Hell. So, let us remember that Belief in Allah, in order to be valid, has to be with Belief in the Prophet. If the Belief in the Prophet is not there, even referring to Belief in Allah as such will not be correct.

In the concluding verse (15:22), it has been reaffirmed that salvation in the Hereafter is the lot of those who believe in Him and in all of His prophets as well. Therefore, the Holy Prophet ﷺ said:

إِنَّ الْقُرْآنَ يَفْسِّرُ بَعْضُهُ بَعْضًا

One part of the Qur'an explains the other.

It is not permissible for anyone to explain the Qur'ān in any way

contrary to the *Tafsir* of the Qur'an itself.

Verses 153 - 154

يَسْأَلُكَ أَهْلُ الْكِتَابِ أَنْ تُنَزِّلَ عَلَيْهِمْ كِتَابًا مِّنَ السَّمَاءِ فَقَدْ سَأَلُوا مُوسَىٰ أَكْبَرَ مِنْ ذَلِكَ فَقَالُوا أَرَنَا اللَّهَ جَهْرَةً فَأَخَذَتْهُمُ الصَّعِقَةُ بِظُلْمِهِمْ ۚ ثُمَّ اتَّخَذُوا الْعِجْلَ مِن بَعْدِ مَا جَاءَتْهُمْ الْبَيِّنَاتُ فَعَفَوْنَا عَنْ ذَلِكَ ۚ وَأَتَيْنَا مُوسَىٰ سُلْطَانًا مُّبِينًا ﴿١٥٣﴾ وَرَفَعْنَا فَوْقَهُمُ الطُّورَ بِمِيثَاقِهِمْ وَقُلْنَا لَهُمُ ادْخُلُوا الْبَابَ سُجَّدًا وَقُلْنَا لَهُمْ لَا تَعْدُوا فِي السَّبْتِ وَأَخَذْنَا مِنْهُمْ مِّيثَاقًا غَلِيظًا ﴿١٥٤﴾

The People of the Book ask you to bring down upon them a Book from the heaven. No wonder, (because) they have already asked Musa something greater than that when they said, "Make us see Allah openly." So, the thunderbolt took them for the wrong they did. Later, they took to themselves the calf even after the clear signs had come to them. Then, We forgave them, and gave Musā an open authority. [153] And We raised the (Mount of) Tūr high over them for binding them to the pledge, and We said to them, "Do not transgress in (the matter of) the Sabbath." And We took from them a firm pledge. [154]

Some previous verses censured Jews for their mistrustfulness in matters of faith. In the present verses too, there appears a long list of some of their other evil doings and, because of these ugly problems with them, mention has been made of their punishment. This strain continues in many more verses coming later.

Commentary

Some Jewish chiefs came to the Holy Prophet صلى الله عليه وسلم and demanded that he bring down a book from the heaven similar to that which came to Musā عليه السلام all written from there: If so, they would believe him. They had made this demand not because they wished to believe with all their heart on this condition. It was just a device to drag and stall. In fact, because of their chronic urge to take an oppo-

site stand, they were given to offering one or the other excuse all the time. By revealing this verse, Almighty Allah made the Holy Prophet صلى الله عليه وسلم become aware of the real state of affairs. This was to give him comfort and peace of mind against the doings of a people who are used to harassing the prophets of Allah. They would go to unbelievable limits of audacity by going as far as committing outrage against Almighty Allah. Their forefathers had gone even beyond them by demanding something more grave: "Make us see Allah openly." Upon this audacity of theirs, came a thunderbolt from the heaven and destroyed them. Then, it was despite being fully cognizant of clear signs and proofs of Allah being One and free of any partners in His Divinity, they stooped lowest of the low by taking a calf as their object of worship bypassing their own genuine Creator. But, Allah still remained forbearing, otherwise the occasion demanded that they be eliminated. Then, Allah gave His prophet, Sayyidnā Mūsā, peace be upon him, authority and power. Then, there came an occasion when these people had flatly refused to acknowledge the canonical law of the Torah whereupon Allah raised the Mount of Tūr high suspending over them, thus threatening and forcing them to acknowledge the Law of Torah or otherwise they were to be mashed under the mountain. Allah had also told them to enter the gate of the city of Eliah humbly filled with fervour to obey Him. Allah had also asked them to catch fish on the day of Sabbath which was a command from Him and which was not to be transgressed. And Allah had taken a solemn pledge from them, but it so turned out that they contravened every single command one after the other breaking the solemn pledge with Allah. So, Allah too put disgrace on them in the mortal life of the world and they will have to undergo the worst punishment in the Hereafter as well.

Verses 155 - 159

فَبِمَا نَقْضِهِمْ مِيثَاقَهُمْ وَكُفْرِهِمْ بِآيَاتِ اللَّهِ وَقَتْلِهِمُ الْأَنْبِيَاءَ
بِغَيْرِ حَقٍّ وَقَوْلِهِمْ قُلُوبُنَا غُلْفٌ ۚ بَلْ طَبَعَ اللَّهُ عَلَيْهَا بِكُفْرِهِمْ
فَلَا يُؤْمِنُونَ إِلَّا قَلِيلًا ﴿١٥٥﴾ وَيَكْفُرُهُمْ وَقَوْلِهِمْ عَلَىٰ مَرْيَمَ
بُهْتَانًا عَظِيمًا ﴿١٥٦﴾ وَقَوْلِهِمْ إِنَّا قَتَلْنَا الْمَسِيحَ عِيسَى ابْنَ

مَرَّيْمَ رَسُولَ اللَّهِ ۖ وَمَا قَتَلُوهُ وَمَا صَلَبُوهُ وَلَٰكِنْ شُبِّهَ لَهُمْ
وَأَنَّ الَّذِينَ اخْتَلَفُوا فِيهِ لَفِي شَكٍّ مِّنْهُ ۚ مَا لَهُمْ بِهِ مِنْ عِلْمٍ إِلَّا
اتِّبَاعَ الظَّنِّ ۚ وَمَا قَتَلُوهُ يَقِينًا ﴿١٥٧﴾ بَلْ رَفَعَهُ اللَّهُ إِلَيْهِ ۚ وَكَانَ
اللَّهُ غَزِيرًا حَكِيمًا ﴿١٥٨﴾ وَإِنْ مِنْ أَهْلِ الْكِتَابِ إِلَّا لَيُؤْمِنَنَّ بِهِ
قَبْلَ مَوْتِهِ ۚ وَيَوْمَ الْقِيَامَةِ يَكُونُ عَلَيْهِمْ شَهِيدًا ﴿١٥٩﴾

So, (they met their fate) for breaking their pledge, and for their disbelief in the verses of Allah, and for their slaying of the prophets unjustly, and for their saying, "Our hearts are sealed" - rather, Allah has set a seal over them for their disbelief. So, they do not believe but a little [155] - and for their disbelief and for what they said against Maryam as a grim imputation, [156] and for their saying, "We have certainly killed the Masīḥ 'Īsā (Jesus) the son of Maryam, the Messenger of Allah." And they did not kill him, and they did not crucify him, but they were deluded by resemblance. And those who disputed in this matter are certainly in doubt about it. They have no knowledge of it, but they follow whims. And it is certain that they did not kill him, [157] but Allah lifted him towards Himself. And Allah is All-Mighty, All-Wise. [158] And there is not one among the People of the Book but shall certainly believe in him (Jesus) before he (Jesus) dies, and on the Day of Doom, he shall be a witness against them. [159]

Like the earlier verses, the censure of Jews continues through the present ones. As a thematically coherent subject, their false ideas have also been refuted which have been discussed in detail in the following commentary.

Commentary

In the verse *يَعِيسَى ابْنِ مَرْيَمَ ۖ رَافِعَكَ إِلَىَّ* ("O 'Īsā, I am to take you in full and lift you towards Me... 3:55) appearing in Sūrah 'Al-'Imrān, Almighty Allah had made five promises in connection with foiling the Jewish plans against Sayyidnā 'Īsā عليه السلام and protecting him from their hostile intentions. A detailed explanation of these has been given earlier on that occasion in Sūrah 'Al-'Imrān. One of the promises made

there was that the Jews will not be allowed to have their way with their intention to kill Sayyidnā 'Īsā عليه السلام . Instead of that, Allah will lift him towards Him.

In the present verses (157-158) of Sūrah al-Nisā', it has been made explicit that they did not kill nor crucify Sayyidnā 'Īsā عليه السلام , rather, what actually happened was that they were deluded by resemblance.

How were the Jews 'deluded by resemblance'?

While explaining the words of the Qur'ān: وَلَكِنْ قِيلَ لَهُمْ (but they were deluded by resemblance), master exegete, Ḍaḥḥāk says: It so transpired that, following the intention of Jews to kill Sayyidnā 'Īsā عليه السلام his disciples assembled at a given place. Sayyidnā 'Īsā عليه السلام joined them there. It was Iblīs who gave the address of Sayyidnā 'Īsā عليه السلام to the execution squad standing ready for the mission. Four thousand men surrounded the suspected house. Sayyidnā 'Īsā عليه السلام said to his disciples : 'Is one of you willing to go out and be killed and then be in Paradise with me?' One of them offered to do so. Sayyidnā 'Īsā عليه السلام gave him his shirt and head-cover. Then, cast on him was the resemblance of Jesus and as soon as he came out, the Jews, believing him to be Jesus, caught him and crucified him, and Sayyidnā 'Īsā عليه السلام was lifted. (Qurṭubī)

According to some reports, the Jews had sent a person known to Arabs as Teetlanoos to kill Sayyidnā 'Īsā عليه السلام . He did not find Sayyidnā 'Īsā عليه السلام in the house for he was already lifted by Allah towards Himself. So, when this person came out of the house, he had been made to resemble the looks of Sayyidnā 'Īsā عليه السلام . The Jews took him to be Sayyidnā 'Īsā عليه السلام . Thus, they took away their own man and killed him. (Mazḥarī)

There is room for whichever of the situations came to pass - the Holy Qur'ān has not determined any particular situation. Therefore, Allah alone knows what really happened. However, this sentence of the Holy Qur'ān seen with other exegetical reports does yield the common factor that the Jews and Christians were subjected to compelling delusion. The event as it took shape remained hidden from them, though they did advance all sorts of claims based on their conjectures which only landed them into mutual differences. This is what the Holy Qur'ān points out to in the following words:

وَأَنَّ الَّذِينَ اخْتَلَفُوا فِيهِ لَفِي شَكٍّ مِّنْهُ مَا لَهُمْ بِهِ مِنْ عِلْمٍ إِلَّا اتِّبَاعَ الظَّنِّ وَمَا قَتَلُوهُ يَقِينًا

And those who disputed in this matter are certainly in doubt about it. They have no knowledge of it, but they follow whims.

It means that they do not have certitude based on any true knowledge. The diverse claims put forward by those who have differed in the case of Masīh عليه السلام are simply based on doubt and conjecture. The truth of the matter is that they certainly did not kill Masīh عليه السلام, rather Allah lifted him towards Himself.

According to some other reports, when some of them woke up to what had happened, they said, 'We seem to have killed our own man, for the man we have put to death resembles Masīh عليه السلام in face only but not in the rest of the body. Now, if this man we have killed is Masīh عليه السلام where, then, is our man? And if this is our man where, then, is Masīh عليه السلام ?'

Verse 158, part of which was referred to immediately earlier, ends at: وَكَانَ اللَّهُ عَزِيزًا حَكِيمًا : (And Allah is All-Mighty, All-Wise) carrying a significant message. It means that the planning of Jews to kill Sayyidnā 'Īsā عليه السلام was insignificant as matched against the Power of Allah who has taken it upon Himself to protect Sayyidnā 'Īsā عليه السلام. Might and mastery are His domain. If materialists in their single-track isolation, remain incapable of understanding the reality of the 'lifting off' of Sayyidnā 'Īsā عليه السلام, that is their own limitation. As for Allah, He is All-Wise - everything He does is based on wisdom and fitness to whatever end is desired.

Then comes the finale of the subject in verse 159 beginning with the words: وَإِنَّ مِنْ أَهْلِ الْكِتَابِ إِلَّا لَيُؤْمِنَنَّ بِهِ قَبْلَ مَوْتِهِ (And there is not one among the People of the Book but shall certainly believe in him {Jesus} before he {Jesus} dies, and on the Day of Doom, he shall be a witness against them). It means: Though, at this time, so blinded by malice and envy are these people that they are unable to see reality as it is, hold false ideas about Sayyidnā 'Īsā عليه السلام and, in addition to that, they are denying the prophethood of Sayyidnā Muḥammad al-Muṣṭafa ﷺ yet, a time is to come when their eyes will open up and they will realize that all their notions about Sayyidnā 'Īsā عليه السلام and Sayyidnā

Muḥammad ﷺ were totally false.

One explanation of this verse (159), which appears in Bayān al-Qur'ān by Maulānā Ashraf 'Alī Thānavī, is that the pronoun in the Qur'ānic word *مَوْتِهِ* (*mawtihi*: his death) be attributed to the People of the Book. The verse, in that sense, would mean that those Jews, when they see a glimpse of *Barzakh* (the state between death and resurrection) moments before their death, they will readily believe in the prophethood of Sayyidnā 'Īsā عليه السلام though, their believing at that point of time will be of no use to them, very much useless like the believing of Pharaoh which he did while drowning.

The second *tafsīr* (explanation) which has been adopted by a large number of *Ṣaḥābah* and *Ṭabī'īn* (the Companions and their Successors) and which also has the support of authentic *Ḥadīth* maintains that the pronoun in the word '*mawtihi*' refers back to Sayyidnā Masīḥ عليه السلام and, in that light, the verse means that the People of the Book of this time, be they Jews or Christians, do not believe in Sayyidnā 'Īsā عليه السلام in the real sense. The Jews just do not accept him as a prophet, rather, they accuse him of being, God forbid, a liar and imposter! As for the Christians, some of them despite claiming to believe in him, reached a level of ignorance which, like the Jews, led them to accept that Sayyidnā 'Īsā عليه السلام was crucified and killed. Then, there were others among them who, in their excess of belief, went out of the limits when they took him to be God and Son of God - but, says the verse of the Qur'ān, though they do not believe in the prophethood of Sayyidnā 'Īsā عليه السلام at this time as they should; but the time will come, close to the Day of Doom, when he will reappear on this earth and all Peoples of the Book will believe in him genuinely and authentically. All Christians will become Muslims holding true beliefs. The hostile among the Jews will be killed, the rest will become Muslims. That will be the time when *Kufr* will be banished from the world along with whatever forms it may have. Islam will finally reign supreme on the earth.

Reproduced below is a report from Sayyidnā Abū Hurairah رضي الله عنه:

عن أبي هريرة عن النبي صلى الله عليه وسلم أنه قال: لينزلن ابن مريم حكما عدلا فليقتلن الدجال، وليقتلن الخنزير، وليكسرن الصليب وتكون

السجدة واحدة لله رب العلمين. ثم قال ابو هريرة : واقروا ان شئتم "وَإِنْ
مِّنْ أَهْلِ الْكِتَابِ إِلَّا لَيُؤْمِنَنَّ بِهِ قَبْلَ مَوْتِهِ" قال ابو هريرة: "قبل موت
عيسى" يعيدها ثلث مرات .

"The Holy Prophet صلى الله عليه وسلم said: The son of Maryam shall definitely reappear as a just ruler. He will kill the Anti-Christ and the swine. He will break the Cross and worship shall be made for Allah alone, the one Lord of all the worlds. Then, Sayyidnā Abū Hurairah said: Read, if you wish, the verse of the Qur'an - (159) وَإِنْ مِّنْ أَهْلِ الْكِتَابِ إِلَّا لَيُؤْمِنَنَّ بِهِ قَبْلَ مَوْتِهِ which mentions that not one person from out of the People of the Book will remain without having believed in Sayyidnā 'Īsā before his death. Sayyidnā Abū Hurairah, then, said with stress: Before the death of 'Īsā عليه السلام and he repeated it three times. (Qurtubī)

This *Tafsīr* (explanation) of the verse under reference stands proved from a highly venerated Companion such as Sayyidnā Abū Hurairah رضى الله عنه on the added strength of sound chain of narrators. This report establishes that the Qur'anic words: قَبْلَ مَوْتِهِ (before his death) mean 'before the death of Sayyidnā 'Īsā عليه السلام and which explicitly determines that this verse is related to the coming of Sayyidnā 'Īsā عليه السلام close to the *Qiyāmah* (Doomsday).

As based on this *tafsīr*, this verse is a conclusive evidence that the death of Sayyidnā 'Īsā عليه السلام has not yet come to pass. In fact, when he is sent down from the heaven close to *Qiyāmah* and the wise considerations of Almighty Allah working behind his coming reach their ultimate fruition, it will be only then that his death will occur on this very earth.

This is also supported by the following verse of Surah al-Zukhruf (43:61): (ثُمَّ لَنَعْلَمَنَّ لِلْإِنسَانِ فَلَا تَسْتَعْجِلْ بِهَا رَبِّكَ) (that is, Sayyidnā 'Īsā عليه السلام is a sign of the Doomsday. So, do not doubt it and listen to what I say.) A larger number of commentators has said that the pronoun in the Qur'anic word إِنَّ at this point refers back to Sayyidnā 'Īsā عليه السلام and it means that Sayyidnā 'Īsā عليه السلام is a sign of *Qiyāmah* (Doomsday). From here we learn that this verse reports the coming of the Masīh عليه السلام, that is, he will appear close to the *Qiyāmah* and his appearance will be one of the signs of it.

Also worth attention is yet another reading of the Qur'ānic word لَعْلَمُ (la'ilmun) in this verse (43:61) which is: لَعْلَمُ (la'alamun). According to this reading the meaning becomes all the more clear because the word عِلْمُ ('alam) with the *fatha* of lām means 'sign or symbol.' The following *tafsir* of Sayyidnā 'Abdullah ibn 'Abbās رضي الله عنه lends added support to this view: عن ابن عباس رضي الله عنه في قوله تعالى: "وَأَنَّهُ لَعْلَمٌ لِّلسَّاعَةِ" قال: خروج عيسى عليه السلام . (About the verse: وَأَنَّهُ لَعْلَمٌ لِّلسَّاعَةِ - 43:61 - Sayyidnā Ibn 'Abbās reported that it refers to Sayyidnā 'Īsā عليه السلام who will come before the *Qiyāmah* (Ibn Kathīr)

In short, if we combine the statement: 'Qabla mawtihi' (Before his death - 4:159) with the authentic ḥadīth of Sayyidnā Abū Hurairah and its explanation, the truth that Sayyidnā 'Īsā عليه السلام is alive and that he will reappear close to the Doomsday and overcome the Jews stands proved conclusively. Similarly, this view also becomes certain through the words: وَأَنَّهُ لَعْلَمٌ لِّلسَّاعَةِ : 'Surely, he (Sayyidnā 'Īsā) is a sign of the Doomsday,' as explained by Sayyidnā Ibn 'Abbās رضي الله عنه .

The master commentator, Ibn Kathīr, while explaining the verse: وَأَنَّهُ لَعْلَمٌ لِّلسَّاعَةِ cited above, has said:

وقد تواترت الاحاديث عن رسول الله صلى الله عليه وسلم انه اخبر بنزول عيسى عليه السلام قبل يوم القيمة اماما عادلا (ابن كثير)

"The sayings of the Holy Prophet صلى الله عليه وسلم in this connection have been reported through *tawātur* (in an uninterrupted succession) that he has conveyed the tidings of the coming of 'Īsā عليه السلام in this world before the Day of Doom as a just ruler. (Ibn Kathīr)

These narrations appearing in an uninterrupted succession (*mutawātir*) were collected by my teacher and a great servant of Islam, Maulānā Muḥammad Anwar Shāh al-Kashmirī. These were more than a hundred in number. This humble writer compiled this collection in Arabic and it was published way back under the title: التصريح بما تواتر في نزول المسيح as proposed by my respected teacher. Recently, a major Syrian scholar, Al-'Allamah 'Abd al-Fattāḥ Abū Ghuddah has published from the city of Beirut a deluxe edition of this work with additional explanations and notes.

The belief in the coming of 'Isā عليه السلام towards the later times is absolute and unanimous as held by the Muslims and the denier of which goes out of the pale of Islam

This subject has become clear enough from the discussion of verses in this part of the commentary. A more comprehensive treatment of the subject has already appeared in the commentary on Sūrah 'Al-'Imrān which may be consulted. The discussions there also include answers to doubts raised by some so-called modernists of our time in order to hurt the credibility of this article of Muslim faith. Only Allah can guide whomsoever He wills.

Verses 160 - 161

فَظُلِمَ مِّنَ الَّذِينَ هَادُوا حَرَّمْنَا عَلَيْهِمْ طَيِّبَاتٍ أُحِلَّت لَّهُمْ
وَبَصَدِهِم عَنِ سَبِيلِ اللَّهِ كَثِيرًا ﴿١٦٠﴾ وَأَخَذَهُمُ الرِّبَا وَقَدْ
نُهِوا عَنْهُ وَأَكْلِهِمْ أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَأَعْتَدْنَا لِلْكَافِرِينَ
مِنْهُمْ عَذَابًا أَلِيمًا ﴿١٦١﴾

So, for the transgression of those who became Jews, We prohibited for them good things which were made lawful for them earlier and for their preventing (people) frequently from the way of Allah, [160] and for their taking *riba* (usury or interest) while they were forbidden from it, and for their eating up of the properties of the people by false means. And We have prepared, for the disbelievers among them, a painful punishment. [161]

Mentioned earlier through several verses were the wrongdoings of Jews and the punishment they would get for doing so. The present verses talk about some other vices of theirs and mention yet another kind of punishment as well. This punishment will, obviously, visit them on the Day of Judgment. But, right here in this present world, the outcome will be that they will find many things already lawful for them made unlawful as a measure of punishment.

Commentary

In the Shari'ah brought by the Holy Prophet Muhammad al-Mustafa صلى الله عليه وسلم there are some things too, known as *haram* or

unlawful, but these were forbidden because of one or the other physical or spiritual harm they bring. This was contrary to what happened with the Jews - the good things forbidden to them had no physical or spiritual harm in them, instead, these were forbidden to them as the punishment of their acts of transgression and disobedience.

Verse 162

لَكِنَّ الرّٰسِخُوْنَ فِى الْعِلْمِ مِنْهُمْ وَالْمُؤْمِنُوْنَ يُؤْمِنُوْنَ بِمَا اُنْزِلَ
اِلَيْكَ وَمَا اُنْزِلَ مِنْ قَبْلِكَ وَالْمُقِيْمِيْنَ الصَّلٰوةَ وَالْمُوْتُوْنَ الزَّكٰوةَ
وَالْمُؤْمِنُوْنَ بِاللّٰهِ وَالْيَوْمِ الْاٰخِرِ اُولٰٓئِكَ سَنُوْتِيْهِمْ اَجْرًا
عَظِيْمًا ﴿١٦٢﴾

But those well-grounded in knowledge among them and the believers, believe in what has been revealed to you and what has been revealed before you, and, of course, those observing the Ṣalāh and paying the Zakāh and those believing in Allāh and the Last Day. To them we shall give a great reward. [162]

The previous verses referred to Jews who adhered to their disbelief and obstinately continued practising what was blame-worthy. The present verse now cites those who were, no doubt, from among the People of the Book, but, when the Holy Prophet صلى الله عليه وسلم came with his mission and they found in him, fully and unmistakably, all qualities the Last among Prophets عليهم السلام was supposed to have according to the prophesies of their Scriptures, they believed in him - like Sayyidnā 'Abdullāh ibn Salām, Usayd and Tha'labah, may Allāh be pleased with them all. The words of praise in this verse are for these blessed souls.

Commentary

The great reward promised to those referred to here is because of their qualities of faith and righteous deeds. As far as salvation as such is concerned that depends on the correction of essentials of doctrinal matters - of course, subject to the condition, that one's life ends with the blessing of faith ('Imān).

Verses 163 - 169

إِنَّا أَوْحَيْنَا إِلَيْكَ كَمَا أَوْحَيْنَا إِلَى نُوحٍ وَالنَّبِيِّينَ مِنْ بَعْدِهِ
 وَأَوْحَيْنَا إِلَى إِبْرَاهِيمَ وَإِسْمَاعِيلَ وَإِسْحَاقَ وَيَعْقُوبَ وَالْأَسْبَاطِ
 وَعِيسَى مُوسَى هَآؤُتُوبَ وَيُونُسَ وَهَارُونَ وَسُلَيْمَانَ وَآتَيْنَا دَاوُدَ
 زَبُورًا ﴿١٦٣﴾ وَرُسُلًا قَدْ قَصَصْنَاهُمْ عَلَيْكَ مِنْ قَبْلُ وَرُسُلًا لَمْ
 نَقْصُصْهُمْ عَلَيْكَ وَكَلَّمَ اللَّهُ مُوسَى تَكْلِيمًا ﴿١٦٤﴾ رُسُلًا
 مُبَشِّرِينَ وَمُنذِرِينَ لِئَلَّا يَكُونَ لِلنَّاسِ عَلَى اللَّهِ حُجَّةٌ بَعْدَ
 الرُّسُلِ وَكَانَ اللَّهُ عَزِيزًا حَكِيمًا ﴿١٦٥﴾ لَكِنِ اللَّهُ يَشْهَدُ بِمَا
 أَنْزَلَ إِلَيْكَ أَنزَلَهُ بِعِلْمِهِ وَالْمَلَائِكَةُ يَشْهَدُونَ وَكَفَى بِاللَّهِ
 شَهِيدًا ﴿١٦٦﴾ إِنَّ الَّذِينَ كَفَرُوا وَصَدُّوا عَنْ سَبِيلِ اللَّهِ قَدْ
 ضَلُّوا ضَلَالًا بَعِيدًا ﴿١٦٧﴾ إِنَّ الَّذِينَ كَفَرُوا وَظَلَمُوا لَمْ يَكُنِ
 اللَّهُ لِيَغْفِرَ لَهُمْ وَلَا لِيَهْدِيَهُمْ طَرِيقًا ﴿١٦٨﴾ إِلَّا طَرِيقَ جَهَنَّمَ
 خَالِدِينَ فِيهَا أَبَدًا وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا ﴿١٦٩﴾

Surely, We have revealed to you as We have revealed to Nūḥ (Noah) and to the prophets after him; and We have revealed to Ibrāhīm, Ismā'īl, Ishāq, Ya'qūb and their children, and to 'Isā, Ayyūb, Yūnus, Hārūn and Sulaymān. And We have given Zabūr to Dāwūd. ¹ [163]

And, (We have sent down) some Messengers We have already told you about, and some other Messengers We did not tell you about and Allah has spoken to Mūsā verbally [164] - Messengers giving good tidings and warning so that people may have no plea against Allah

1. These are the names of the prophets Biblically spelt respectively as follows:

Abraham, Ishmael, Issac, Israel, Jesus, Job, Jonah, Aaron, Solomon and David.

Zabur is the name of the Book revealed to David, Biblically known as the Psalms.

after the Messengers (have come). And Allah is All-Mighty, All-Wise. [165]

But Allah bears witness (to your prophethood) through what He has revealed to you, (and) revealed it with His knowledge. And the angels too, bear witness. And Allah is sufficient as witness. [166]

Surely, those who disbelieved and prevented (people) from the way of Allah have gone far astray. [167] Surely, those who disbelieved and transgressed, Allah is not going to forgive them nor lead them to a way [168] - other than the way of *Jahannam* where they are to remain for ever. And that, for Allah, is easy. [169]

If we refer back to Verse 153: **يَسْأَلُ الْكِتَابُ** (The People of the Book ask you ...), it will be noticed that a silly question asked by the Jews was responded to in the mode of reproach. Here, in the present verse, the same question is being proved false in a different manner. It takes up their condition which they place before the Holy Prophet ﷺ, that is, they would believe in him if he brings before them a Book, all written up, from the heavens. They are being asked to realize that they do not make such demands before believing in the great prophets mentioned in the verse, prophets they too accept. Keeping this in view, it is necessary that they keep to the line of argument they use in favour of these great prophets, that is, they accept them on the basis of their miracles. As for miracles, Sayyidnā Muḥammad صلى الله عليه وسلم has his miracles as well, therefore, there is no reason why they cannot step forward and believe in him too. But, the truth of the matter is that the demand they are making is no quest for truth. On the contrary, it is rooted in prejudice and hostility.

Then comes a delineation of the wisdom behind the sending of prophets and an address to the Holy Prophet صلى الله عليه وسلم assuring him that Allah and His angels are witnesses to his prophethood and those who do not believe in him do nothing but ruin their own end. (Bayān al-Qur'ān)

Commentary

Verse 163 begins with the words: **إِنَّا أَوْحَيْنَا إِلَيْكَ كَمَا أَوْحَيْنَا إِلَى نُوحٍ وَالنَّبِيِّينَ مِنْ بَعْدِهِ** : 'Surely, We have revealed to you as We have revealed to Nūḥ (Noah)

and to the prophets after him ...' It tells us clearly that *Wahy* (revelation) is a command of Allah, unique and unimitable, and His message sent to prophets; and that Almighty Allah sent His *Wahy* to Sayyidnā Muḥammad al-Muṣṭafa صلى الله عليه وسلم just as it was sent to the past prophets; and that whoever believed in the *Wahy* sent to past prophets must believe in this too; and that whoever rejects this becomes so to say, a rejecter of all those revelations.

The reason for striking a similarity between Sayyidnā Nūḥ and those who came after him is probably that the *Wahy* at the time of Sayyidnā Ādam عليه السلام was at an initial stage which reached its perfection with the prophethood of Sayyidnā Nūḥ عليه السلام. It can be said that the first state was an state of educational initiation while by the time of Sayyidnā Nūḥ عليه السلام that state reached a stage of development under which people could be tested with the incentive of reward for the obedient and the warning of punishment for the disobedient. Thus, it was from Sayyidnā Nūḥ عليه السلام himself that the chain of great prophets began and it was from his time too that the first punishment descended on those who transgressed against Divine revelation.

In short, punishment would not descend upon people for their hostility against Divine commandments and prophetic teachings. They were considered rather excusable and allowed to learn in due time through good counsel. Once religious education became fully widespread and people were left with no hidden reason to avoid following the dictates of Divine will, punishment did descend upon the disobedient ones. The Great Flood came during the time of Sayyidnā Nūḥ عليه السلام followed by different kinds of punishment visiting disbelievers during the times of prophets Sayyidnā Salīḥ, Sayyidnā Shu'ayb and many others, may peace be on them all. Thus, by likening the *Wahy* which came to the Holy Prophet صلى الله عليه وسلم with the *Wahy* of Sayyidnā Nūḥ and of those who came after him, full warning has been served on the People of the Book and on the disbelievers of Makkah that anyone who will not believe in the *Wahy* (that is, The Qur'ān) of the Last of the Prophets will deserve the greatest punishment.

(Exegetical notes of Maulānā Shabbir Aḥmad 'Usmānī)

Before we move to the next verse, it would be useful to keep in

mind that the personal presence of Sayyidnā Nūḥ عليه السلام, whose name appears first in this verse, was a miracle by itself. He was blessed with an age of nine hundred and fifty years. He had lost none of his teeth and had no streaks of white hair on his head and had faced no deficiency in his physical strength - yet, he spent his whole life time braving the pain inflicted by his people on him with matching patience and fortitude. (Maẓharī)

In verse 164 which opens with the words: 'وَرُسُلًا قَدْ قَصَصْنَاهُمْ عَلَيْكَ' And, (We have sent down) some Messengers We have already told you about ...', after a brief mention of prophets who appeared after Sayyidnā Nūḥ عليه السلام, a special citation has been made of the greatest prophets from among them. The purpose is to tell us that they are all prophets and Wahy comes to prophets via different modes. It could be an angel with a message. It could also be a written Book. Sometimes Almighty Allah talks directly to His Messenger. In short, when Wahy comes, no matter in what mode or manner it does, acting in accordance with it becomes obligatory. Therefore, the saying of Jews that they would believe only if there comes to them a written Book like the Torah, otherwise they would not, is to say the least, being short on sense and tall on disbelief.

As reported by Sayyidnā Abū Dharr al-Ghifārī رضى الله عنه, the Holy Prophet صلى الله عليه وسلم said: 'Almighty Allah has sent one hundred and twenty four thousand prophets out of which three hundred and thirteen were Sharī'ah-bearing Messengers of Allah.' (Qurtubī)

Then comes verse 165: 'رُسُلًا مُبَشِّرِينَ وَمُنْذِرِينَ' (-- Messengers giving good tidings and warning...) which succinctly tells that Almighty Allah consistently sent messengers to convey good tidings to all believers and to warn all disbelievers so that there remains no room for the excuse that they did not know the will of God and His Messengers -- had they known about it, they would have certainly followed it! Now, that Almighty Allah has sent messengers with miracles and His messengers have shown the straight path of truth, the option of not accepting the true faith cannot be accepted from anyone under any pretext or excuse. Such is the nature of Divine Revelation. Wahy is an absolute argument, final, conclusive and disarming. No argument stands operative against it. In fact, all arguments lie surrendered

under its weight. And this is the wisdom of Allah and His *modus operandi*.

It has been narrated by Sayyidnā Ibn 'Abbās رضى الله عنه that a group of Jews came to the Holy Prophet صلى الله عليه وسلم. He said to them: Surely, you do know that I am a true messenger of Allah? They refused to accept that whereupon came the following verse (166): لَكِنَّ اللَّهَ بِمَا كُنْتُمْ تَعْمَلُونَ شَهِيدٌ 'But Allah bears witness (to your prophethood) through what He has revealed to you ...' The verse addressed to the Holy Prophet صلى الله عليه وسلم declares that Allah is a witness to his prophethood through the miraculous Qur'an, a perfect message from out of His Knowledge. The Book has been revealed to him with full realization that he is deserving of it, and the angels too join in the testimony. After the very witnessing of the All-Knowing, All-Aware Allah, there is nothing left to argue about.

The text, after having confirmed the veracity of the glorious Qur'an and the noble Prophet صلى الله عليه وسلم, turns to those who still deny them, conceal his character traits and circumstantial indicators of his appearance present in the Torah and, sordidly enough, try to keep others away from the true faith by bringing out before them things which are not there or things which have been jumbled together to distort the truth. For such people, there shall be no forgiveness and no guidance either. Thus, it becomes very clear that guidance or the ability to find the straight path depends on following the Holy Prophet ﷺ and straying away, whatever be its nature, is nothing but hostility towards him. This, then, comprehensively refutes all erroneous ideas of the Jews.

Verse 170

يَا أَيُّهَا النَّاسُ قَدْ جَاءَكُمْ الرَّسُولُ بِالْحَقِّ مِنْ رَبِّكُمْ فَآمِنُوا خَيْرًا لَكُمْ وَإِنْ تَكْفُرُوا فَإِنَّ لِلَّهِ مَا فِي السَّمُوتِ وَالْأَرْضِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا ﴿١٧٠﴾

O men, the Messenger has come to you with the truth from your Lord. So, believe. That is good for you. And if you disbelieve, then, to Allah belongs what is in the heavens and the earth. And Allah is All-Knowing, All-

Wise. [170]

After answering the objections raised by the Jews and confirming the prophethood of Sayyidnā Muḥammad al-Muṣṭafā, صلى الله عليه وسلم, the Qur'ān carries the message of Allah to all human beings wherever they may be as they are its direct addressees in this verse. The essence of the message is: Your salvation lies nowhere but in your belief in the prophethood of Muḥammad صلى الله عليه وسلم so, believe and prosper.

As for those who choose to disbelieve, they lose everything while Allah loses nothing. With His limitless domain and power, who can conceive of bringing any loss or harm to Him? This is something the disbelievers should worry about. Let them be certain that Allah knows everything about their believing and disbelieving and let not the delay or decrease in punishment in this world put them on the wrong foot for He is All-Wise too and does what His wisdom allows to prevail.

Verse 171

يَا أَهْلَ الْكِتَابِ لَا تَغْلُوا فِي دِينِكُمْ وَلَا تَقُولُوا عَلَى اللَّهِ إِلَّا
 الْحَقَّ إِنَّمَا الْمَسِيحُ عِيسَى ابْنُ مَرْيَمَ رَسُولُ اللَّهِ وَكَلِمَتُهُ
 أُلْقِيَتْ إِلَى مَرْيَمَ وَرُوحٌ مِنْهُ فَآمِنُوا بِاللَّهِ وَرُسُلِهِ وَلَا تَقُولُوا
 ثَلَاثَةٌ إِنَّهُمْ خَيْرٌ لَّكُمْ إِنَّمَا اللَّهُ إِلَهُ وَاحِدٌ سُبْحَنَهُ أَنْ يَكُونَ
 لَهُ وَلَدٌ لَهُ مَا فِي السَّمُوتِ وَمَا فِي الْأَرْضِ وَكَفَى بِاللَّهِ
 وَكِيلًا ﴿١٧١﴾

O people of the Book, be not excessive in your Faith and do not say about Allah anything but the truth. The Masīḥ 'Īsā, the son of Maryam, is only a Messenger of Allah and His word He delivered to Maryam, and a spirit from Him. So, believe in Allah and His Messengers. And do not say "Three". Stop it. That is good for you. Allah is the only One God. He is far too pure to have a son. To Him belongs what is in the heavens and what is in the earth. And Allah is enough to trust in.

[171]

Jews were the addressees in previous verses which provided details of how astray they had gone. The present verses address the

Christians and refute their doctrinal position as related to God and Sayyidnā 'Īsā عليه السلام .

Commentary

The word: كَلِمَةً : *Kalimatuh* used in this verse tells us that Sayyidnā 'Īsā عليه السلام is the 'word' of Allah. Commentators have given different meanings of this expression:

1. Imām al-Ghazzālī has said that two factors operate in the birth of a child: One is the sperm, the other is the saying of the word كُنْ or 'be' by Almighty Allah after which the child comes to exist. Since the first factor is out of question in the case of Sayyidnā 'Īsā عليه السلام , therefore, it was by attribution to the second factor that he was called كَلِمَةُ اللَّهِ (the word of Allah). It means that he came into existence solely through the word: كُنْ (be) without the mediacy of material means. In this case, the statement which follows immediately, that is, أَلْقَاهَا إِلَى مَرْيَمَ عَلَيْهَا would mean that Almighty Allah delivered this word to Maryam عليها السلام as a result of which the birth of Sayyidnā 'Īsā عليه السلام came to be.

2. Some have said that the expression: كَلِمَةُ اللَّهِ (the word of Allah) has been used in the sense of: بَشَارَةُ اللَّهِ (the glad tiding of Allah) and it refers to Sayyidnā 'Īsā عليه السلام . It will be recalled that the glad tiding of the coming of Sayyidnā 'Īsā عليه السلام given to Maryam عليها السلام by Almighty Allah through the angels carries the expression: *Kalimah* or word: إِذْ قَالَتِ الْمَلَائِكَةُ لِمَرْيَمُ إِنَّ اللَّهَ يُبَشِّرُكِ بِكَلِمَةٍ (When the angels said, "O Maryam, Allah gives you the good news of a word ... 3:45).

3. Some have said that *kalimah* (word) has been used here in the sense of 'āyah or sign, as it has appeared elsewhere in the same sense: وَصَدَقَتْ بِكَلِمَتِ رَبِّهَا 'She (Maryam) testified to the word of her Lord as true.' (66:12)

Let us now consider the statement: وَرُوحٌ مِنْهُ (... and a spirit from Him.) in this verse. Worth attention here are two aspects of our probe. Firstly, why has Sayyidnā 'Īsā عليه السلام been referred to as *ruh* or spirit? Secondly, since by saying 'from Him' the spirit has been attributed to Almighty Allah, what, then, would be the sense of such an attribution?

In this connection, several exegetical stances of commentators have been reported. Their gist is being given below:

1. Some of them explain it on the basis of lexical usage. They say

that, according to the rule of '*urf*' or recognized customary practice, the word '*rūḥ*' or 'spirit' is used in the sense of 'essence' to enhance the effect of pristine purity in something. Since the birth of Sayyidnā 'Isā عليه السلام was totally unrelated to the mediation of any father and he was the outcome of nothing but the will of Allah, in His supreme majesty, and a result of the word: كُنْ (*kun*: be), therefore, he was blessed with the most perfect degree of purity. This is the reason why he was called 'a spirit' or 'essence' as admitted by recognized practice. As for the attribution to Allah, it is there to hold him in esteem. This is like attributing *Masajid* (mosques) to Allah in order to enhance the respect in which they are held. Hence, the expression: *Masājidullāh* or the Mosques of Allah. Or, the Holy Ka'bah, by attributing it to Allah, is called: *Baytullāh* or the House of Allah. Or, by attributing someone religiously observing and worshipfully obedient to Allah, he is called: 'Abd Allah' or the servant or slave of Allah. Thus, it is in accord with this formulation that the Holy Prophet ﷺ has been referred to in Sūrah Banī Isrā'īl in the wordings: أَشْرَىٰ بِعَبْدِهِ (carried His servant) (17:1) where the attribution to Allah reflects honour given to him.

2. Some commentators have said that the purpose behind the coming of Sayyidnā 'Isā عليه السلام was that he should infuse spiritual life into the dead hearts of people and make them alive once again (familiar as born-again Christians in the West). Since he was the cause of spiritual life very much like the spirit is the cause of physical life, therefore, it was in this light that he was called a spirit. In fact, this word has been used for the Holy Qur'an as well: وَكَذَٰلِكَ أَوْحَيْنَا إِلَيْكَ رُوحَنَا مِنْ رَبِّكَ (and thus We have revealed to you a spirit of Our Command - 42:52) because the Holy Qur'an too blesses people with spiritual life.

3. Some others have said that *rūḥ* (spirit) is also used in the sense of secret. Since Sayyidnā 'Isā عليه السلام was, because of his unusual birth, a sign and secret of Allah, therefore, he was called: *Rūḥullāh* (the spirit of Allah).

4. Some say that the adjunct is understood here since the statement was to be read as: ذُو رُوحٍ مِنْهُ (the possessor of a spirit from Him). However, since all rational beings are equal as the possessors of a spirit, the distinction of Sayyidnā 'Isā عليه السلام was made manifest when Almighty Allah turned his attribution towards Himself.

5. According to yet another exegetical view, the word: *Rūḥ* has been used in the sense of *nafkh* or the blowing of breath. Sayyidnā Jibra'īl عليه السلام had, as commanded by Allah, blown his breath on the collar of Sayyidah Maryam عليها السلام and that became the conception. Since only a blow of breath had caused the birth of Sayyidnā 'Īsā عليه السلام as a miracle, therefore, he was called: *Rūḥullāh* or the spirit of Allah. Another verse of the Holy Qur'an: نَنفُثُ فِيهَا مِنْ رُوحِنَا (then, We blew Our spirit in her - 21:91) points out in this direction.

In addition to these, several other probabilities have also been suggested. However, none of these come to mean that Sayyidnā 'Īsā عليه السلام is a part of Allah or a divine person on the basis of which it could be suggested that this very spirit we are talking about has manifested itself in the human form of Sayyidnā 'Īsā عليه السلام.

A telling repartee

'Allāmah Al-Ālūsī, the author of the famous *Tafsīr* *Rūḥ al-Ma'ānī* has reported an episode from the court of Caliph Ḥarūn al-Rashīd where a Christian physician entered into a debate against the scholar 'Alī ibn al-Ḥusayn al-Wāqidī challenging him that his Book (the Qur'an) has a particular word which indicates that Sayyidnā 'Īsā عليه السلام is a part of Allah. And as a proof, he read out the verse (171) which carries the words: رُوحٌ مِنْهُ (a spirit from Him). 'Allāmah al-Wāqidī came up with a rejoinder and recited another verse (45:13) of the Qur'an: وَسَخَّرَكُم مَّا فِي السَّمٰوٰتِ وَمَا فِي الْاَرْضِ جَمِيعًا مِنْهُ (The meaning of the verse is that everything that there is in the heavens and the earth is *from the same Allah* where the word - *minhu*: from Him - serves to attribute everything to Allah) and said: 'If رُوحٌ مِنْهُ (*rūḥim-minhu*: a spirit from Him) means, as you think, that Sayyidnā 'Īsā عليه السلام is a part of Allah, then, the verse I have just recited would mean that every thing in the heavens and the earth is also a part of Allah?' Thus, silenced, the Christian physician chose to become a Muslim.

The Qur'an and the doctrine of Trinity

Reflected in the statement of the Qur'an: لَا تَقُولُوا ثَلَاثَةً (And do not say "Three") is the state of the major sects among Christians in which they were divided at the time of the revelation of the Qur'an. The doctrine of Trinity they adhered to was based on three separate principles. One sect maintained that Masīḥ is God and it is God Himself

who has appeared in the world in the form of Masīḥ. The second sect believed that Masīḥ is the son of God while the third sect claimed unity in trinity - the father, the son and Mary. Even this group was split in two. The second group said that the Holy Spirit (*Rūḥul-Quds*) and not Sayyidah Maryam (Mary) was the third person (hypostasis). So, these people acknowledged Sayyidnā Masīḥ عليه السلام as the third of the three. Therefore, all the three sects have been addressed, separately and jointly in the Holy Qur'ān whereby the Christians have been clearly told that there is just one truth and that truth is that Masīḥ عليه السلام is a human being born to Maryam عليها السلام, and a true Messenger of God. Whatever is said beyond that is all false and ineffectual - whether it be loaded with the excess of under-estimation, as believed by the Jews, viz., God forbid, he was an imposter and fabricator: or, be a case of the excess of over-estimation as believed by the Christians, viz., God forbid, he is God or the son of God or the third of the three.

In many of its verses, the Holy Qur'ān has, on the one hand, pointed out to the strayings of the Christians and Jews while, on the other, it has focused brightly on the exalted station of Sayyidnā 'Isā عليه السلام in the sight of Almighty Allah so that the true path of moderation could emerge clearly from out of the mazes of excess and deficiency.

Those interested in detailed information about various aspects of Christian beliefs vis-a-vis the veracity of Islam may wish to study the world-famous book, *Izhārul-Ḥaqq* by Maulānā Raḥmatullāh Kīrānawī. This original work in Arabic has been translated and published by Dārul-Uloom, Karachi, Pakistan in three volumes with detailed annotations.¹

Towards the end of the verse, it was declared: لَهُ مَا فِي السَّمَوَاتِ وَمَا فِي الْأَرْضِ وَكَفَى بِاللَّهِ وَكِيلًا (To him belongs what is in the heavens and what is in the earth. And Allah is enough to trust in.). The drive of the meaning is: When everything has been created by Him, when everything falls under the domain of His mastery and when everyone is a servant of

1. An English translation of this work has been recently completed by Maulānā Muḥammad Wali Raazi, son of Ḥaḍrat Mufti Muḥammad Shafi رحمه الله and is presently under the process of publication under the auspices of the translator himself.

Allah, who and how could anyone become His partner or associate or son? The fact is that Almighty Allah is the dispenser of all our needs and the sole caretaker of everyone's wants - He is universally and perennially sufficient, all by Himself. He needs nobody. How, then, could He need to have a partner or son?

To sum up, we can say that no created being has the ability or qualification to become His partner, nor does His most sacred Being have the room or need for it. This much is enough to tell us that suggesting a partner to God or ascribing a son to Him can be accomplished by none but the one who is deprived of faith and reason both.

Excess in Faith

Let us now go back to the opening statement of the verse: لَا تَغْلُوا فِي دِينِكُمْ. In this verse, the People of the Book have been asked not to indulge in excess in matters relating to their Faith. Lexically, the Qur'anic word: الغلو : *al-Ghuluww* means to cross the limits or transgress. In *Aḥkām al-Qur'ān*, Imām al-Jaṣṣāṣ says:

الغلو في الدين هو مجاوزة حدالحق فيه

Excess in Faith is crossing the limit set therein.

The People of the Book, that is, the Jews and the Christians were both made addressees of this injunction because excess in Faith is the common factor between them. Both groups have fallen victims to nothing but excess in matters of Faith. The Christians committed excess in believing and honouring Sayyidnā 'Isā عليه السلام when they went on to the extreme of taking him to be God or son of God or the third God. As for Jews, they committed excess in disbelieving and rejecting him - not simply that they did not accept him even as a prophet, they were audacious enough to, God forbid, impute a false accusation to his revered mother, Sayyidah Maryam عليه السلام and to cast a slur against her parentage.

Since the disastrous deviation of Jews and Christians in matters of Faith was a common scene of the time, the Holy Prophet ﷺ specially instructed his community to be very careful about it. According to a report from Sayyidnā 'Umar رضى الله عنه appearing in the Musnad of Aḥmad, the Holy Prophet صلى الله عليه وسلم said:

لا تطروني كما اطرت النصارى عيسى بن مريم، فانما انا عبد، فقولوا:
 "عبد الله ورسوله"

Do not exaggerate in my praise as was done by Christians in the case of 'Īsa son of Maryam عليه السلام. Beware, I am only a servant. So, call me a servant of Allah and His messenger. (This narration has also been reported by al-Bukhārī and Ibn al-Madīnī rating it as sound and authentically reported)

In brief, the sense of what he said is: I am one with everyone in being a servant of Allah and a human being. The highest rank I have is that I am a Messenger of Allah. Raising it higher to the limit that you go about taking me as partner in the attributes of Almighty Allah is excess and I do not want you to fall into this excess like the Christians. This excess in Faith practiced by the Jews and Christians did not remain limited to prophets only. Once used to it, they extended this attitude of theirs to the apostles, followers and deputies of the prophets. They had already assigned Godhood to their prophet, now they invested the followers of the prophet with immunity from sin. While doing so, they did not even take the trouble of investigating and making sure if such followers were genuine followers of the prophet and who correctly and firmly adhered to his teachings, or they were no more than hereditary religious scholars and guides. This resulted in the emergence of a leadership which was astray in itself and could do nothing but keep adding to the strayings of others. So, they ruined their Faith by practicing it erroneously from within. The Holy Qur'ān has described this very condition of these people in the verse: **اتَّخَذُوا أَحْبَارَهُمْ** وَرُؤَسَاءَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ (that is, these people took their religious leaders as objects of worship, other than Allah). It means that they had already been excessive in making their prophet a God, then, they started worshipping later-day religious leaders in the name of following the prophet!

The lesson to be learnt is that excess in Faith is a dangerous attitude which has destroyed the Faiths of earlier religious communities all in the fair name of Faith. So serious were the implications that our noble master devised perfect defences to keep his community safe against this terrible epidemic.

It appears in *Hadīth* that the Holy Prophet صلى الله عليه وسلم asked

Sayyidna 'Abdullāh ibn 'Abbās رضى الله عنه on the occasion of Hajj that he should go and collect pebbles which he could use to throw at the *Jamarāt*. He returned with average-sized pebbles and presented them to the Holy Prophet صلى الله عليه وسلم who liked them very much and said twice: *بِئْلَهُنَّ، بِئْلَهُنَّ* (like these, like these) which means that one should do his or her *ramy* at *Jamarāt* using average-sized pebbles like these. Then, he said:

إِيَّاكُمْ وَالْغُلُوفَ فِي الدِّينِ، فَإِنَّمَا هَلَكَ مِنْ قَبْلَكُمْ بِالْغُلُوفِ فِي دِينِهِمْ

It is your duty to avoid excess in Faith for communities before you were destroyed because of being excessive in their Faith.

Important Rules of Guidance

Some important rules come out from this ḥadīth:

1. The *masnūn* limit placed on pebbles thrown at the *Jamarāt* during the Hajj is that they should be average in size, neither too small nor too big. Throwing big rocks is included under excess in Faith.

2. The legal limit of everything is what the Holy Prophet ﷺ has left determined by his word and deed. Going beyond this limit is *ghuluww*, excess in Faith.

3. Precisely defined, excess in Faith is the crossing of the *masnūn* limit set for doing something.

The Limits of Materialism

The greed for worldly wealth and luxury beyond the level of need is considered blameworthy in Islam. Instructions to observe restraint against such urges are profusely spread out in the Qur'an. But, the Holy Prophet صلى الله عليه وسلم while prohibiting attachment to worldly life greedily, has set its proper limits by his word and deed. He declared marriage to be his way and persuaded others to follow his example. He explained the many-faceted blessings of having children. To live nicely and wisely with the family and to fulfill the rights of everyone properly were things he prescribed as obligatory. To work for one's family and earn a good living was what he called an obligation after the obligation (فريضة بعد الفريضة). He laid stress on people to engage in business, agriculture, industry and labour. The establishment of an Islamic state and government and the promotion of a system governed

by Islam was something he declared to be part of the mandate of prophethood. Thus, by acting in accordance with it, he went on to establish a state system throughout the Arabian peninsula which was later extended to other parts of the world in the East and the West. All this shows that being engaged in these pursuits within the limits of need is not counted as gross love of the material nor as greed and avarice.

The Jews and Christians did not realize the truth of the matter and got themselves involved in monasticism. The Holy Qur'an has refuted this uncalled for involvement of theirs by saying:

وَرَهْبَانِيَّةً ابْتَدَعُوهَا مَا كَتَبْنَاهَا عَلَيْهِمْ إِلَّا ابْتِغَاءَ رِضْوَانِ اللَّهِ فَمَا رَعَوْهَا حَقَّ رِعَايَتِهَا

It means that they took to ways of monasticism which were not prescribed for them by Allah except that they were to seek the pleasure of Allah. Then, they failed to fulfill the conditions of what they had themselves imposed. (57:27)

The Limits of *Sunnah* and *Bid'ah*

By his word and deed, the Holy Prophet صلى الله عليه وسلم has, in everything such as religious acts of worship and social transactions and dealings, demarcated the limits of moderation. Any deviation from these limits, whether it be in falling behind or in pushing ahead of them, is forbidden for it leads a believer astray from the right path. It was for this reason that he has very emphatically blocked the incursion of *bid'at*: بَدْعَات (self-promoted innovations in established religion) and *muḥdathāt*: مُحَدَّثَات (the embracing of everything appearing recent and novel in a given time as if a part of established religion which, in our time, are introduced under the fancy garbs of recension and modernity). Let us, therefore, remember what he said:

كُلُّ بَدْعَةٍ ضَلَالَةٌ، وَكُلُّ ضَلَالَةٍ فِي النَّارِ

"Every *Bid'ah* is straying and every straying ends in *Jahannam*."

The word *Bid'ah* used in the ḥadīth refers to everything (assumed to be a part of religion) which is not there in the word and deed of the Holy Prophet صلى الله عليه وسلم clearly or through hint. Ḥaḍrat Shāh Waliyyullah has said that Islam condemns *Bid'ah* as a serious offence

because it opens the doors to alteration in religion. This is what happened with earlier religious communities. They added up things on their own to what their Book said and their prophet taught. Then came another generation, and the generations that followed, each adding its share to the original. Finally, everything got so mixed up that it became impossible to identify the true religion as distinct from the additions introduced by its adherents.

In his famous book, *Hujjatullāh al-Bālighah*, he has also given details of circumstances under which efforts have been made all over the world to inject alterations in the religion of Islam. He has also pointed out to the concern shown by the Shari'ah of Islam which has installed defensive mechanisms on all such doors of incursion so that there remains no single outlet through which this disease could hit the Muslim community in epidemic proportions.

The Moderate Course in honouring and following religious leaders

One such cause referred to above is the practice of excess in Faith (غلو فى الدين). Two factors distinctly contribute to the emergence of this attitude: Firstly, the desire to undertake deep investigations unnecessarily or to be involved in far-fetched interpretations; and secondly, the choice of a hardened stance. It is a matter of great regret that, despite so much elaborations made by the Holy Prophet صلى الله عليه وسلم and active restrictions placed by the Shari'ah of Islam, the Muslim community is suffering fatally from this very disease of excess. Its fallout can be distinctly noticed in all departments of our Faith. Out of these, the field most affected is that of religious leaders where the question is: Whom to follow?

Stretching between two extremes, a group of Muslims has gone far out by holding that there is no such thing as a religious leader or teacher or *Ālim* or *Shaykh*. They would say: 'The Book of Allah is sufficient for us. If they understand the Book of Allah so do we - *هُمْ رِجَالٌ وَنَحْنُ - رِجَالٌ* - They are men, so are we.' The result was that every ambitious pseudo-intellectual - unlettered in Arabic and uninitiated into the facts of and insights into the Qur'ān and unfamiliar with the exegetical clarifications given by the Holy Prophet صلى الله عليه وسلم - considered it sufficient to look at translations of the Qur'ān and be hoisted as a

scholar of the Qur'ān! How can a *tafsīr* or explanation of the Qur'ān which has been authentically reported from the Holy Prophet صلى الله عليه وسلم or from his direct disciples, the noble Companions, be ever ignored or bypassed? But, such is the breed of these dabblers in the discipline that they would dismiss anything in favour of their brain wave and still have the temerity to tie it with the Qur'ān. Although, had a book without a teacher been enough, Almighty Allah had the power to make written copies of the book become available for people at their homes - there was, then, no need to send a prophet to teach. A little reflection would reveal that this is not something peculiar to the Book of Allah. No one can, by simply looking at the translation of any book in the arts and sciences, become an expert in those fields. We have yet to find a physician who became a physician through a familiarity with translations of medical books. No engineer became an engineer by browsing through engineering texts. Even the study of common books on sewing and cooking has not made anyone succeed as a master tailor or chef. So, the truth lies elsewhere - the system needs the elements of teaching and learning under a teacher. This is all too established for everyone. But, it is indeed sad to see that the Qur'ān and Sunnah alone, of all things around us, have been taken so casually as not to need any teacher. Thus, a fairly large group of educated people drifted down in the direction of serious deficiency when they took the lone study of the Qur'ān as all sufficient and totally dispensed of with the need to consult the exegesis and interpretation of early scholars, and to be guided by them.

On the other side of the extreme, a large group of Muslims got involved in a kind of excess which goaded them to take just about anyone as their religious guide almost blindly, and blindly it was that they started following them. They never took the trouble of finding out whether or not the person they were taking as guide came up to the standard of high intellectual achievement, corresponding personal behaviour, concern for the good of people and the genuine sense of responsibility before Allah. They did not even care to apply a much simpler test by looking at the kind of teaching such a person was imparting and making sure that it was not against the Qur'ān and Sunnah.

The Ideal Solution

The Shari'ah of Islam has wisely shielded Muslims from falling into the trap of excess. The middle course in between the two extremes it has suggested is: Learn the Book of Allah (*Kitābullāh*) from the Men of Allah (*Rijālullāh*) and recognize the Men of Allah from the Book of Allah. In other words, one should first recognize those who are engaged in learning and communicating the true knowledge of the Qur'an and Sunnah through the all too well-known teachings of these twin sources of Islamic Faith. Once this is settled, no intricate problem relating to Qur'an and Sunnah will ever bother you - if you give precedence to their explanation above your own opinion, and follow them.

Verses 172 - 173

لَنْ يَسْتَنْكِفَ الْمَسِيحُ أَنْ يَكُونَ عَبْدًا لِلَّهِ وَلَا الْمَلَائِكَةُ الْمُقَرَّبُونَ ۚ وَمَنْ يَسْتَنْكِفْ عَنْ عِبَادَتِهِ وَيَسْتَكْبِرْ فَسَيَحْشُرُهُمْ إِلَيْهِ جَمِيعًا ﴿١٧٢﴾ فَأَمَّا الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ فَيُوَفِّيهِمْ أُجُورَهُمْ وَيَزِيدُهُمْ مِنْ فَضْلِهِ ۚ وَأَمَّا الَّذِينَ اسْتَنْكَفُوا وَاسْتَكْبَرُوا فَيُعَذِّبُهُمْ عَذَابًا أَلِيمًا ۖ وَلَا يَجِدُونَ لَهُمْ مِنْ دُونِ اللَّهِ وَلِيًّا وَلَا نَصِيرًا ﴿١٧٣﴾

The Masīh (Jesus) shall never spurn being a slave of Allah, nor shall the angels, the close ones. And whoever spurns His worship and shows arrogance -- then, He shall gather all of them before Himself. [172] As for those who believe and do good deeds, He shall give them their reward in full, and give them more out of His grace. But, to those who spurn and show arrogance, He shall give a painful punishment, and they shall find for themselves not a friend other than Allah nor a helper. [173]

From the affirmation of Allah's absolute purity and the refutation of assumed Godhood of Sayyidnā 'Īsā عليه السلام earlier, the text now moves to further strengthen the argument by showing that Sayyidnā 'Īsā عليه السلام would himself confess to being a servant of Allah and so will the angels (which includes Sayyidnā Jibra'il عليه السلام alleged to be a person of Trinity). Then, follows the warning for those who choose to

retract in distaste and the good news for those who believe and are good in deeds for they will be rewarded for their belief and deeds with many more added graces from Allah.

Commentary

The Honour of being a servant of Allah

Maulānā Shabbīr Aḥmad 'Usmānī, in his comments on the opening statement of Verse 172: **لَنْ يَسْتَنْكِفَ الْمَسِيحُ أَنْ يَكُونَ عَبْدًا لِلَّهِ** (The Masīḥ shall never spurn being a slave of Allah, nor shall the angels, the close ones), says that so it is because being a servant of Allah, being devoted to His worship and being obedient to His will and command, is an honour by itself and certainly a nobility of the highest class. Sayyidnā Masīḥ عليه السلام and the close angels are the best testifiers to the worth and value of this blessing. How could they spurn an honour like that? Quite contrary to this, the worst disgrace and dishonour there can be imagined lies in worshipping someone other than Allah. This is what the Christians did when they took Sayyidnā Masīḥ عليه السلام as the son of Allah and the object of their worship. Similar was the case with disbelievers who took angels as daughters of Allah and started worshipping them alongwith their idols. So, for them, there is punishment, and disgrace. (Notes in Tafsīr Usmānī)

Verses 174 - 175

يَا أَيُّهَا النَّاسُ قَدْ جَاءَكُمْ بُرْهَانٌ مِّن رَّبِّكُمْ وَأَنزَلْنَا إِلَيْكُمْ نُورًا
مُّبِينًا ﴿١٧٤﴾ فَأَمَّا الَّذِينَ آمَنُوا بِاللَّهِ وَاعْتَصَمُوا بِهِ
فَسَيُدْخِلُهُمْ فِي رَحْمَةٍ مِّنْهُ وَفَضْلٍ ۖ وَيَهْدِيهِمْ إِلَى صِرَاطٍ
مُّسْتَقِيمٍ ﴿١٧٥﴾

O men, a proof has come to you from your Lord and We have sent down to you a vivid light. [174] **Now those who believe in Allah and hold on to Him - He shall admit them into Mercy from Him, and Grace, and shall lead them to Himself through a straight path.** [175]

After a refutation of beliefs held by Christians, specially those which ascribe Godhood to Jesus, alongwith the promise of reward for those who acknowledge the truth and punishment for those who insist on denying, the text turns to a universal address praising the blessed status and mission of His Messenger who taught what was the truth

revealed to him, who conveyed the truth of the Qur'an admirably, and also those who believed in and testified to the truth of the Book and the Messenger.

What is *Burhān*?

The word, *Burhān*, appearing in verse 174: قَدْ جَاءَكُمْ مِنْ رَبِّكُمْ (a proof has come to you from your Lord) lexically means 'proof'. It refers to the Holy Prophet صلى الله عليه وسلم (Rūḥ al-Ma'ānī)

Sayyidnā Ibn 'Abbās رضى الله عنه says that the Holy Prophet ﷺ was referred to as 'Burhān' in consideration of his blessed person, his noble morals, his miracles and his being the very recipient of the revelation of the Book of Allah. All these are open proofs of his prophethood beyond which there remains no need for any other proof. Thus, in summation, his person is, in itself, proof personified.

As for the word, *Nūr* in: وَأَنْزَلْنَا إِلَيْكُمْ نُورًا مُبِينًا (and We have sent down to you a vivid light) (174), it refers to the Holy Qur'an (Rūḥ al-Ma'ānī) which also seems to be the case in Verse 15 of Sūrah al-Mā'idah (5): قَدْ جَاءَكُمْ مِنَ اللَّهِ نُورٌ وَكِتَابٌ مُبِينٌ (There has come to you from Allah a light and clear Book). In the explanatory translation of Maulānā Ashraf 'Alī Thanavī in Bayān al-Qur'an, the rendering of this verse appears as: 'There has come to you from Allah a light and (which is) a clear Book (that is) the Qur'an.' In this verse, what has been first identified as '*Nūr*' (light) has later been called '*kitāb-mubīn*' (clear Book). Let there be no doubt at this point that the conjunction demands dissimilarity, therefore, *Nūr* (light) and *Kitāb* (book) cannot be one and the same thing. The answer is that dissimilarity in expression is sufficient, even though the meanings are the same. (Rūḥ al-Ma'ānī)

And if '*Nūr*' (light) is taken as referring to the Holy Prophet ﷺ and '*Kitāb*' (the Book) to the Holy Qur'an - that will also be correct (Rūḥ al-Ma'ānī). But, this does not go on to prove that the Holy Prophet ﷺ was *Nūr* or light in the literal sense, therefore, it is not against his being physically human.

Verse 176

يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ امْرُؤٌ هَلَكَ
لِبَسٍ لَهُ وَلَدٌ وَلَهُ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ ۖ وَهُوَ يَرِثُهَا إِنْ
لَمْ يَكُنْ لَهَا وَلَدٌ فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الشُّلْثُنِ مِمَّا تَرَكَ
وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلَّذَكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ

يُبَيِّنُ اللَّهُ لَكُمْ أَنْ تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ ﴿١٧٦﴾

They seek a ruling from you. Say, "Allah gives you the ruling concerning *Kalalah*.¹ If a person dies having no son, but he does have a sister, then, she gets one half of what he leaves. And he will inherit her if she has no child. And if they are two (sisters), they get two third of what he leaves. And if they are brothers and sisters, both male and female, then, the male gets a share equal to that of two females." Allah explains to you lest you should go astray. And Allah is fully aware of everything. [176]

A little after the beginning of Sūrah al-Nisā', there appeared some injunctions relating to inheritance. Then, after a considerable gap, the text returned to the injunction of inheritance alongwith others. Now, at the end of the Sūrah, the text reverts to the subject once again. Perhaps the wisdom behind this scattering of the subject at three different places could be the consideration of prevailing injustice in matters of inheritance before the advent of Islam. By taking it up in the beginning, then in the middle, and finally in the end, it was hoped that the addressees would be gradually alerted to the need of justice in this area and would thus be enabled to show their maximum concern.

Summary of the Rulings given²

The verse (176) was revealed in answer to the question posed by some Companions of the Holy Prophet صلى الله عليه وسلم regarding the inheritance of a *Kalalah*. *Kalalah* means a person who dies leaving neither children nor parents. The verse has clarified that the property left by a *Kalalah* shall be distributed in the following manner:

(1) If the *Kalalah* has left one real sister, or one half sister from father's side,³ then, after settling the preferential rights (such as debts, wills, burial expenses) she will get one half of the property. The other

1. *Kalalah*: A person who has no ascendent or descendent at the time of his death.

2. This summary is based on the خلاصه تفسیر given in the original, without translating it word-by-word. (Muhammad Taqi Usmani)

3. As for a half sister from mother's side, her share has already been mentioned in 4:12 as being one sixth if she is alone. And if there are two or more such sisters or brothers, they will share one third of the property equally. (Muhammad Taqi Usmani)

half will be given to the heirs falling in the category of 'Aṣḥābāt. If no heir from the category of 'Aṣḥābāt is alive, then this half, too, will be given back to the sister of the deceased (meaning thereby that she will secure the whole property).

(2) If the sister referred to in para (1) above dies, and leaves no children, and her brother is alive, then he will get the whole property left by her.

(3) If a *Kalālah*, male or female, dies and leaves two or more sisters, either real sisters or half-sisters from father's side then they shall get two thirds of the property left by the *Kalālah*. The remaining one third will be given to 'Aṣḥābāt, if any, and in the absence of 'Aṣḥābāt this one third will also be given to the sisters who will distribute their share among themselves equally.

(4) If a *Kalālah* leaves behind a combination of brothers and sisters (either real or from father's side only), then the whole property, after satisfying the preferential rights, shall be distributed between them on the principle that every brother will get twice the share of every sister.

Important Notes

1. The cause of revelation and the injunction of *Kalālah* described in the verse beginning with: *يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ* (They seek a ruling from you. Say, "Allah gives you the ruling concerning *kalālah*") provides us with information on certain important aspects. To be noted first is a comparison between two examples given earlier in the text. In verse 170: *وَإِنْ تَكْفُرُوا فَإِنَّ لِلّٰهِ مَا فِي السَّمٰوٰتِ وَمَا فِي الْاَرْضِ* (And if you disbelieve, then, to Allah belongs what is in the heavens and the earth), there was the condition of disbelievers. Then came a similar statement in Verse 174: *فَاَمَّا الَّذِيْنَ اٰمَنُوْا بِاللّٰهِ وَاعْتَصَمُوْا بِهٖ* (Now those who believe in Allah and hold on to Him) which presented the model of the noble Companions of the Holy Prophet ﷺ. These two parallel but divergent states of the believers and the disbelievers were brought into focus so that people can fully understand how astray and evil were those who turned away from the revelation (*wahy*) and how true and virtuous were those who followed it.

2. Subsequent to observations made above, it also becomes obvious

that the People of the Book did something terrible when they made the abomination of suggesting a partner and son in the purest conceivable divinity of Almighty Allah an article of their faith. They also went as far as taking a blatant position against the Divine revelation.

Quite contrary to this is the life style of the noble Companions of the Messenger of Allah, may the blessing of Allah and peace be upon him. Not to say much about their consistent concern for the fundamentals of Faith and the most devoted performance of acts of worship, they would be equally inquisitive and eager to find out their obligations in matters subsidiary and commonplace such as those of inheritance and marriage. They would wait for *Wahy*, the command of Allah through revelation and they would look for guidance from the Holy Prophet ﷺ in everything they did. Though, it is easier to do your own bidding under the dictate of reason or desire, yet they did not elect to be ruled by their personal desire or reason. If they did not understand something at a given time, they would return to the Prophet صلى الله عليه وسلم to recheck until they were satisfied. Here are two sets of people, so different and so apart!

3. This also tells us that our noble Prophet صلى الله عليه وسلم would not give a decision on his own without the guiding command of *Wahy* (revelation). If there was no standing guidance revealed through *Wahy* present in a certain case, he would put his decision on hold and wait for the coming of *Wahy*. When it did, he gave his verdict. In addition to that, there is a subtle hint here in the direction of the wisdom behind the gradual revelation of the Qur'an. If the whole Book was revealed all at one fixed time as demanded by the People of the Book, it would have not carried the same benefits as there are in the fact that the Qur'an was revealed as needed and when appropriate, all functionally spaced out. This modality accommodated the requirements of addressees who could ask a question out of some necessity and be answered through the recited revelation (*al-Wahy al-Matluww*). An example of this methodology appears right here in the present verse while others appear at several other occasions in the Qur'an. No doubt, this form is far beneficial, but the core of its distinction lies elsewhere. That is because of the most refined sublimity of men and women of faith who turn to Allah in remembrance and are honoured by being

addressed by their most exalted Creator. This is indeed a great honour never granted to any other community. Certainly no grace is greater than the grace granted by Allah, the ultimate dispenser. Now, any verse of the Qur'ān which was revealed in the favour of or in answer to the question of a particular Companion is treasured as a testament of his virtues. And a *Wahy* which came favouring the position taken by one of them on the occasion of some matter causing difference of opinion, is sufficient to keep the name and merit of that Companion alive right upto the Day of Doom.

Thus, by referring to the question and answer regarding *Kalālah*, hint has been given towards similar questions and answers elsewhere.

(Exegetical notes, Tafsīr 'Usmānī
by Maulanā Shabbīr Aḥmad 'Usmānī)

Praised be Allah. Sūrah al-Nisā' ends here

وَلِلّٰهِ الْحَمْدُ اَوَّلُهُ وَاٰخِرُهُ

MA'ARIFUL-QUR'AN

The End of Volume Two